



Land Reforms and Tenancy Policy of the Congress-Ministry in U.P. 1937—39

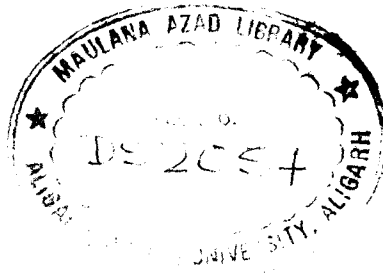
*Dissertation Submitted for the
M. Phil Degree*

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TO WHOM IT MAY CONCERN

This is to certify that the dissertation on "Land Reforms and Tenancy Policy of the Congress Ministry in U.P. 1937-39". Submitted by Mr. Zeshan Izzat is the original work of the candidate and is suitable for submission for the award of M.Phil degree.

Iqbal Husain
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Reader
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DEDICATED
TO MY PARENTS

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ABBREVIATIONS

AICC	All India Congress Committee Papers
CSP	Congress Socialist Party
DCC	District Congress Committee
FR	Fortnightly Report for the United Provinces (File numbers for these are given in the Bibliography. In the Notes these reports are identified simply by their month and year).
GOI	Government of India
Home-Poll	Home Department, Political Branch of the Government of India.
NML	Nehru Memorial Library, New Delhi
NAI	National Archives of India, New Delhi
SRR	Secretariat Record Room, Lucknow.
UPSA	Uttar Pradesh State Archives, Lucknow
U.P.	The United Provinces of Agra and Awadh (the present Uttar Pradesh).
UPLC	The United Provinces Legislative Council
VS	Vidhan Sabha Library, Lucknow.

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(ZESHAN IZZAT)

INTRODUCTION

INTRODUCTION

This dissertation as will be seen is an attempt to study the Land reforms and Tenancy policy of the Congress Ministry in the United Provinces during 1937-39.

Needless to say that the problem of tenancy in India had an old history. Without going into the outcome of the permanent settlement, Mahalwari and Ryotwari systems which in course of time continued to magnify the problem it may be mentioned that soon after the foundation of the Indian National Congress, the nationalists began to pay their attention to this. The peasantry had been the worst sufferer of the agrarian policy introduced by the British Government. They were victimised by the Land-Lords and suffered un-told miseries and humiliation.

Ironically, tenants demands were not Himalayan. They longed for a better deal, of their small land holdings, non-interference by the local officials, tolerable rent of the land, remissions if the crop failed, so that they could survive with honour and dignity within the limited surplus produced by them.

Due to the long history of the tenants problem in India, the author of this dissertation had invariably to

trace its origin and the efforts made by the Nationalists to provide relief to them. This dissertation has thus been divided into four chapters.

Chapter one is a survey of the United Provinces now called Uttar Pradesh. It traces the genesis and the stages for the formation of United Provinces with the amalgamation of various districts. Since the topic of the dissertation is concerned with the agriculturist class, an attempt, in this chapter, has been made to discuss its geographical situation, the kind of land and the type of land revenue settlements made up to 1939.

Attention has also been made to discuss about the different social groups involved in the agricultural pursuit. From this chapter, it would be seen how various social groups were divided and engaged in agricultural work and how their number and influence varied from one place to another in U.P.

Interestingly Brahmans, Thakurs representing the upper-Caste of Hindu-Society, generally abstained from cultivation personally. A similar trend is note-worthy among the Ashraf or the upper-class Muslims such as Saiyeds, Sheikhs and Mughals who were not actively engaged in agricultural work. The upper-class sections of both the communities thus largely depended or exploited the lower castes such as Ahirs,

Gadarias, Kurmis etc. as tillers of the land by allowing them to work as tenants.

The exploiters of tenants in the permanently settled areas were the newly created zamindars, also mentioned as proprietors of Land. In Awadh before the annexation, the British issued 'sanads' to the Talluqadars and as such there was a marked difference between the Talukdari tenure and Zamindari tenure. After the Rebellion of 1857, the Talluqdars emerged as sub-proprietor of land.

In Benares, a permanently settled district, the tenants were classified into four categories under the Act of 1859 viz (i) Permanent tenure-holder (ii) Fixed rate tenant, (iii) Occupancy tenants-at-will. The Act of 1873, repealed the Rent Recovery Act 1859. The Act added one-more tenant viz, the ex-proprietary tenant, subsequently the North-Western-Provinces Tenancy Act, 1901, was changed in 1902 and cited as Agra Tenancy Act, (1901), granted the occupancy right easy and simple, but in the classes of tenure no change was made except that the "tenant-at-will" was given the name of "Non-occupancy tenant". In (1926), Agra Tenancy Act introduced the 'statutory tenants' and heirs of Statutory tenants, in Agra of 1921 improved the relationship between Landlord and tenants and provided greater security of

tenure. Finally, the Act of 1939, passed by the Congress-ministry recognized 'hereditary tenantry' in U.P.

Chapter second gives over all picture about the efforts made by the Indian National Congress to remove the tenants grievances. The Indian National Congress since 1885 was stressing upon the need to remove the hardships of the peasantry. In 1888 the Congress in its resolution pointed out to the hardships of the ryots caused by the periodical revision of revenue assessment. Prominent Congress leaders such as Dada Bhai Naoroji, R.C. Dutt, C. Sankaran Nair and others were keen to remove all peasant grievances by reforms. They however could not take a practical step like Tilak who organised the 'non-revenue movement' against the high revenue demand by the Government.

The tenant problem was not thus confined to one part of the country. It was an all-India phenomenon. On this issue the Congress leaders thus gradually began to arouse a general awakening through their own means. In U.P., Madan Mohan Malaviya and Baba Ram Chandra initiated a kisan movement in Pratap-garh. It was pre-mature in its stage but it provided a political basis of unifying the dumb and helpless peasantry. These leaders prepared the tenant to fight against the evils of exploitation such as *Nazrana*, *Begar*, and other illegal cesses.

Almost at the same-time in 1918, Sardar Vallabh Bhai Patel mobilized the peasantry in Kheda who ^{gave} the slogan of no rent when the crop failed due to the failure of rains and the Government insisted on its payment.

The Great Depression (1929-30) seriously strained the limited economic resources of the peasantry. The prices of their products alarmingly fall while the rent remained high as usual. Congress efforts to provide relief to the peasantry was marginal, however the government under the popular demand announced a meager relief to the peasantry.

Chapter third deals with the peasants demands for reforms in Land rent and Tenancy policies. On the basis of 1935 Act, Elections were held in 1937 in which Congress got majority in Seven out of Eleven Provinces. In U.P. G.B. Pant formed his ministry and his revenue minister Rafi Ahmad Kidwai succeeded in fulfilling the Congress commitments of Tenancy reforms. It introduced the united provinces Tenancy Bill in 1938. The Introduction of the Tenancy Bill, was however , directly in clash with the interest of the *zamindars* and *talluqadars* who began to criticize the Bill. Their main objections to the Tenancy Bill was on certain clauses concerning the "seer land" and grant of hereditary rights to all occupancy tenants.

The Muslim league dominated by Land-lords and talluqadars too apposed the Tenancy Bill. It added a new dimension by inducting 'Shariat Laws' and emphasised its implementation and emphasised its implementation for the Tenancy Bill.

Chapter four deals with the Tenancy Bill, despite opposition by the landlords, talluqadars and Muslim League, it was passed by the Assembly. It was to the credit of the Congress Ministry and the able handling of this problem by its Revenue Minister, Rafi Ahmad Kidwai. It became the tenancy Act of 1939 with the assent of the Governor.

With the passage of the Tenancy Act the age-old exploitation of the tenants was put to check. The tenants now got some rights and security over the land. Which they held as tenants. Yet, it may be admitted that the Iron hands of the zamindars and talluqadars were still in a position to devise means and mechanism to exploit the peasantry. The system of nazrana, begar and illegal cesses continued in a sub-dued form. Removal of these evils required abolition of zamindari - which could only took place in 1952.

CHAPTER-I

SOCIO-AGRARIAN STRUCTURE OF UNITED PROVINCE

SOCIO-AGRARIAN - STRUCTURE OF UNITED PROVINCES

(A) Genesis and General-Geographical Location of U.P.:

Modern province of Uttar Pradesh has an interesting historical past.¹ First the territories under Benares were acquired in 1775 after a treaty with the Nawab Wazir of Awadh. Benares Province in 1775 comprised of the modern districts of Jaunpur, Ghazipur, Ballia and the northern part of Mirzapur. In 1801 the Nawab of Awadh was forced to cede the modern districts, Azamgarh, Gorakhpur, Basti, Allahabad, Fatehpur, Cawnpur, Etawah, Mainpuri, Etah, Shahjahanpur, Badaun, Bareilly, Pilibhit, Moradabad, Bijnor and the Tarai parganas. To these acquisitions was added the districts of Agra, Aligarh, Bulandshahr, Meerut, Muzaffarnagar and Saharanpur, through conquests in 1803, By and large the ceded and conquered districts formed a new territorial unit. Later on 1815 the district of Dehra-Dun was conquered by Lake after the Nepal War. Almost during the same period (1803 to 1817). Bundelkhand, districts of Banda and Hamirpur were also occupied by the British forces. The princely states of Jalaun, Jhansi and Lalitpur were also acquired by the British

1. B.R. Misra, *Land Revenue Policy in the United Provinces*, Benares, 1942, p.12.

by the end of the 19th century. In 1855 the British annexed the Kingdom of Awadh.

All the 'Ceded and conquered districts' were governed till 1835 by the Bengal Regulation; the Act of 1833 provided for the establishment of the 'Presidency of Agra', but in course of time the North-Western Provinces' were separated from the rest of Bengal, and with the annexation of Awadh, there were two Provinces. Thus in 1902, both the provinces were united in the name of 'United Provinces of Agra and Awadh. By the Government of India Act, 1935, the word ;Agra and Awadh were omitted and 'United Provinces' were retained. Now the "'United Provinces" is known as Uttar Pradesh.

It has a vast territory with different geographical features. Its north part of the Himalayan tract is snow clad during the winter. The foot of the hills formed a alluvial area known as *tarai*. These areas are watered by the great rivers Ganga, Jamuna and Ghagra.²

The system of land tenure and the form of assessment varied from province to province. The two types of land systems were existing in North-India known as *Zamindari* and

2. Walter C. Neale, *Economic Change in Rural India*, (Land Tenure and the Reform in U.P.), London, 1962, p.15.

Mahalwari. In the *Zamindari* system the land lord paid the land revenue to the state whether he cultivated the land himself or through the tenants.³ In the *Mahalwari* system, the land was not permanently assigned to the Zamindars -- a system of periodical assessment had been involved. The assessment in the *Mahalwari* system was made with either a dominant Zamindar or a group of influential landlords; with the village as the unit of assessment. *Zamindari* tenure prevailed in the Central Province, the United Provinces, Bengal, Bihar and Punjab. The *Ryotwari* system largely covered parts of the Presidencies of Madras and Bombay.⁴

The first British collector of Gorakhpur observing the state of cultivation and revenue administration remarked that the soil was fertile but the cultivation was neglected in some parts of the district.⁵ Agriculture was, however, the chief occupation of the rural masses. In 1921 out of the 46 million population 89% lived in rural areas.⁶ Reforms in the agriculture sections was thus imperative to supplement the

3. *Land Revenue Policy in the United Provinces*, p.1

4. *Ibid.*, p.2

5. Imtiaz Husain, *Land Revenue Policy in North-India*, Calcutta, 1967, p.10.

6. Gyanendra Pandey, *The Ascendancy of the Congress in Uttar Pradesh (1926-34)*, New Delhi, 1978, p.11.

occupation of three-fourth quarter of the population. Stagnation in agriculture led to the extreme poverty and miseries on the rural population adversely affecting the national economy.⁷ It generated agrarian crisis which as a sequel took in the shape of unbalanced state of agriculture with marked deterioration and low yield productivity.⁸ Further when there was a low productivity it was bound to waste labour. This further gave rise to the increasing hunger of the peasantry for land and constant reduction "in the size of holdings to spread of sub-division and fragmentation and the growth in the proportion of economic holding."⁹

(b) Major Communities in Agriculture

The social composition of the agrarian classes in terms of particular status groups is considerably complex and varies from region to region in India. Members of a group often come from different classes. D.N.Dhanagare gives a detailed picture of the position ".... the Landlords and rich landwomen including non-cultivating urban money lenders belonged to the upper castes such as Brahmin, Thakur or Bania

7. Eric Stokes, *The Peasant and the Raj*, New Delhi, 1978, p.87.

8. R.P. Dutt, *India-Today*, Calcutta, 1970, p.259.

9. *Ibid.*

in northern India. In Andhra the Kammas, Reddis and Raos, in Mysore the Okkaligas and Lingayats and Patidavs in Gujarat regions, while the Kunbi Marathas and Deshmukhs in the Maharashtra could be cited as more examples of the locally dominant landed castes.¹⁰ It transpires that in most part of the United Provinces, the land-lord had taken care that the land was rented to peasants of various caste groups such as Brahmans, Thakurs, Kayastha, Ahirs, Kurmis and Gadarias almost equally. The precaution was perhaps not to allow any one of them to grow rich. Asiya Siddiqui points out that in the beginning of the nineteenth century caste was one of the important factor in the organisation of agriculture. "Members of higher castes among the Hindus and the Moslems including the Brahmans, Rajputs Saiyeds, Sheikhs, Pathans and Mughals did not cultivate themselves'.¹¹ According to Cavendish higher castes never touched a plough, manure or seed and took pride themselves in belonging to a higher caste.¹² The British Officer in the nineteenth century believed that the Rajputs were actually the dominant caste of landlords in the Province particularly in the modern

10. D.N. Dhanagare, - *Peasant Movement in India* (1920-50), New Delhi, 1983, p.18.

11. Asiya Siddiqui, *Agrarian Change in the Northern India*, London, 1973, p.49.

12. *Ibid.*, p.49.

districts of Jaunpur, Mirzapur, Ballia, part of Ghazipur and Benares.¹³ The Brahmans are also recorded as Zamindars in Benares; the Bhumiards were noted as holding large number of Zamindars in Ghazipur and part of Distt Ballia and insome parts of Benares.¹⁴ Interestingly the Rajputs also head the list of cultivating castes in Banaras district holding about 20% of the cultivated area. Other cultivating castes as recorded in the Gazetteers are as under: The Brahmans held 15%, Ahirs 14%, and Kisan 13%, Kachhis, Musalmans and Kurmis each held 6% and Chamars between 4% and 5%, and the Gadariyas about 3%.¹⁵ It was admitted that the best cultivators were the Kachhis and Kurmis. However, in most of the tahsils their method of cultivation varied from one another. In Allahabad also the Brahmans led, while the Chamars, Ahirs and Kurmis were prominent among the lower castes.¹⁶ In Basti the Brahmans owned about one-third of the entire area and are in a dominant position in almost every Tahsil except

13. Robert Eric Frykenberg, *Land Control and Social Structure in Indian History*, London, p.67, 1969.

14. *Ibid.*

15. District Gazetteer - Varanasi, ed., E.B. Joshi, Lucknow 1965, p.85.

16. H.R. Nevill - Distt. Gazetteer Allahabad, Allahabad, 1911, p.88.

Hariya.¹⁷ In West U.P. Particularly Bijnor the Thakurs (Rajputs) Vaish and Jats were the dominant caste groups in agriculture. The proportion of the land held by them as recorded in the Bijnor settlement Report of 1921 is as under.¹⁸

<u>Class</u>	<u>Percentage</u>
Jats	21.9
Thakur	21.5
Chamar	7.5
Sheikh	6.5
Sani & Baghlan	5.9
The remaining area is distributed among seven other classes 36.7%	

Similar position were noted in the case of district Bareilly in the Settlement Report of 1913 as may be seen from the following table.¹⁹

<u>Caste</u>	<u>Percentage</u>
Thakurs	15.97
Brahmans	12.52
Kayastha	11.58

17. H.R. Nevill - Distt. Gazetteer Basti, Lucknow, 1926, p.87.

18. W.F.G. Brown, Bijnor Settlement Report, Allahabad, 1921, p.9.

19. R.W. Gillan - Bareilly Settlement Report, Allahabad, 1903, p.16.

Bania	11.29
Khattris	3.40
Ahirs	2.25
Kurmis	5.50
Other Hindus	3.44
Among the Muslim Pathans	13.38
Sheikh	9.04
Saiyids	3.02
Kambohs(Muslim)	2.07
Mughals	.32
Other Musalman	5.28
Christians	.11
Govt. property	.83

In Agra district the Jats were the main landowing class as cultivators. In the Settlement Report of 1880 they were mentioned to hold 30% of the land in the district.²⁰ The northern area of the Province around Garhwal region, nearly seventy-five percent of the total population depended upon agriculture for subsistence. The prominent castes were Brahamans, Rajput, Dom and Bhotias.²¹ In Southern Bundelkhand the agriculturist, were generally the Kurmis,

20. Esha Basti Joshi, Agra Gazetteer, Lucknow, 1965, p.83.

21. H.G. Walton, Garhwal Gazetteer, Allahabad, 1910, p.64.

Kachis, Ahirs and Lodhis who enjoyed little of the Sapra village - organisation of the tappa which produced the true-bhaichara clan tenure.²²

(c) **Proprietors of Land, nature of Tenancy and the Conditions of Tenants**

The 'United Provinces' witnessed a wide diversity in the historical development of land laws and the revenue administration. In 1793 the North-Western Provinces came under the direct control of Bengal Presidency and the Permanent Settlement was introduced. Benares had already come under the control of the East-India Company in 1775.²³ The settlement in Benares brought no significant change. In 1795 another settlement was made with the landlord or joint-village community.²⁴ The land revenue was fixed permanently until revision.²⁵ The permanent settlement which is known as 'Duncancy Bandobast' was made hastily without a proper survey and preparation of record-of-rights.²⁶ The North-Western

22. Dharma Kumar ed. *The Cambridge Economic History of India*, New Delhi, 1970, Vol.II, p.70.

23. *Economic Change in Rural India* (Land Tenure and Reform in U.P.), p.55.

24. *Ibid.*, p.55.

25. *Uttar Pradesh Land Laws*, p.8,

26. *Ibid.*

Provinces was re-named as Agra Province in 1902, had two type of villages i.e. the Zamindari and the 'bhaichara'.²⁷ In the Zamindari villages land was under the possession of a single landlord "on the whole village jointly owned by several persons" with shares of the co-owners based on a heritance, and bhaichara with the shares of the owners based on a customary allotment. With the introduction of modified Zamindari settlement which is this province known as *Mahalwari* system, the joint settlement was made by appointing an agent (the *lambardar* to under-take the management of the *mahal*.²⁸

In Awadh preceding the Annexation a different position is noteworthy. The British issued *sanads* to the *Talluqdars* and as such there existed no "legal difference between the *Talukdari* tenure and *Zamindari* tenure, the Estates were mixed with each other, some received one denominations, while rest were known by other name.²⁹ In the beginning there was no essential difference in the status of the two. But after the suppression the Rebellion of 1857, Sir James Outram, recommended to the government of India on January 5, 1859.

27. *Economic Change in the Rural India*, p.41.

28. *Land Revenue Policy in the United Provinces*, p.63.

29. *Ibid.*, p.191.

"Taluqas should only be given to men who have actively aided us or who, having been inactive now evince a true willingness to serve us and are possessed of influence to make their support of real value."³⁰

With the restoration of the British authority the Government enunciated a policy of general confiscation of land excepting those of the loyal taluqdars. Subsequently as Majid Siddiqui suggests a new agrarian structure emerged Awadh.³¹

The talluqdar was a large scale revenue farmer, as well as a semi-independent political chief. He was wholly a rent receiver and in that capacity he did not himself participate in the cultivation of land, :..... he enjoyed a rent from agricultural land as well as various taxes similar to manorial dues³² The Zamindar with his local base enjoyed political power as a manager of few villages, a

30. *Uttar Pradesh Land Laws*, p.18.

31. Majid Hayat Siddiqui, *Agrarian Unrest in Northern India, The United Provinces (1918-22)*, New Delhi, 1978, p.16. He identifies the various classes;
 (a) the Taluqadars (b) the Zamindars
 (c) the under-proprietor consisting of (i) the Pukhtadars (ii) those with whom a separate (sub) settlement had not been made (d) occupancy tenants (e) Tenant at will (f) Agriculture Labour.

32. *Ibid.*, p.2.

single village on a part of the village. In Awadh ordinarily Zamindari estates were those who had managed to survive outside the extent of the taluqdari area. Besides the government also made settlements to a class known as "Pukhtadars".³³ The Puktadars were those who possessed extensive rights over the land, on a estate and they had to pay revenue; other classes of land-holders enjoying proprietary rights had a special right on a plot for lease.³⁴ Another functionary, the *Thekadar* or farmer can be said to have the same kind of interest as the sub-proprietors who made their profits after paying the *talluqdar* his due. Interestingly the real management of the estate was controlled by the Karinda. The *talluqdars* or the farmers by virtue of holding proprietary rights thus enjoyed great benefits as absentee land-lords.³⁵ Consequently, while the proprietary classes from *talluqdars* down to the farmers earned money, the peasant had to work harder and harder to meet the demands of the rent which was increasing in many ways. The agricultural population of India as in Europe was divided into landlords and tenants. The tenants were further divided into several tenant categories. The permanently

33. *Ibid*, p.13.

34. *Ibid.*, p.12.

35. *Ibid.*, p.34.

settled districts (e.g. the Province of Benaras) has two type of tenant.³⁶ First who held permanent tenures and the other who had to pay a fixed rent, tenants those holding permanent tenure were small in numbers. At the time of settlement, says Mooreland, they were recognized as holding rights between the land holders and the tenants. They paid only a fixed sum to the land holders and received the tenants rent. After the settlement of 1795, the category of permanent tenant enjoyed some rights. Rents could not be enhanced or abated, and he could also be not ejected from the land on any ground. The latter class was a tenant whose rate of rent was fixed, and who held the land at the same rate of rent from the time of Permanent Settlement. This rent could also be not enhanced.³⁷

The passage of the Act of 1859 in which four classes of tenants were recognised

(i) Permanent Tenure Holder (ii) Fixed rate tenant holder
(iii) Occupancy tenants and (iv) Tenant-at-will. In 1873 the ex-proprietary tenants was introduced in order to give

36. W.H. Moreland *The Revenue Administration of the United Provinces*, Allahabad, 1911, p.101.

37. *Land Revenue Policy in the United Provinces*, p.211.

certain relief to the Proprietors of land.³⁸ Later with the Agra Tenancy Act (1901), where no change was made in the class of tenure except that "tenant-at-will" was given the name of "Non occupancy tenant" and in Agra Tenancy Act of 1926 introduced the statutory tenants and heirs of Statutory. Ultimately with the U.P. Tenancy Act of 1939 instituted a new class of tenants called heredit tenants. All the statutory tenants, under the previous enactments were made hereditary tenants.³⁹ Different categories of Tenants class held different percentage of Land.⁴⁰

The condition of Tenantry in Awadh provides a different picture on the basis of the Report of the Famine Commission the U.P. Government instituted an enquiry into relationship between the tenants and the *talluqadars* in Awadh. The enquiring committee came to the conclusion that of the total cultivated area, 7 1/2% was being cultivated by the proprietors, 4 1/2% by the sub-proprietors or by tenants having occupancy rights and about 88% by tenants-at-will.⁴¹

38. R.R. Maurya, *Uttar Pradesh Land Laws*, Allahabad, 1983, p.12.

39. *Ibid.*, p.14.

40. Report of the United Provinces Zamindari Abolition Committee, Vol II, Allahabad, 1948, p.91.

41. *The Condition of Tenantry in Oudh*, Vol. II, Allahabad, 1883, p.240.

This position was markedly different that was prevalent in the Agra Region. Rack renting, ejectment of the tenants was a common feature in the period. The tenants having suffered owing to the steady increase in the rents causing great hardships.⁴²

Pattern of Holdings Under Different Categories of Tenants in Agra and Awadh 1899-1900 to 1935-36

Percentage of total holdings area under			
	Occupancy and other tenants with hereditary rights	Statutory and Heirs of Statutory Tenants	Other non-occupancy tenants including Grove-holders, rent free etc.
AWADH			
1899-1900	5.6	-	82.2
1926-1927	6.5	71.4	10.5
1935-1936	6.8	69.9	11.9
Agra			
1899-1900	35.9	-	41.9
1926-27	54.8	21.0	4.0
1935-36	49.0	23.7	6.2

⁴⁰* Report of the United Provinces Zamindari Abolition Committee Vol.II Statistics Allahabad (1948),p.91.

Awadh Rent Act (1868) hardly provided any relief to the tenants because there was no security of tenure for the tenants-at-will. Moreover, rack-renting was ever

42. *Ibid.*, p.74.

increasing.⁴³ The Awadh Rent Act XXII 1886 however gave all tenants a statutory right of occupation for seven year.⁴⁴

Then ex-proprietary tenants were found both in Agra and in Awadh. In Agra the tenant was recognised formally by a series of Tenancy Acts, Certainly in Awadh, the Rent Act, took no notice of him until 1901.⁴⁵ The occupancy tenant that came into being with the Awadh Rent (Amendment) Act of 1921 by which the tenants seems to have been provided some safeguards under the Awadh Rent (Amendment Act 1921) which conferred the right of tenants from occupancy tenancy provided he held the land for a period of 12 years.⁴⁶ In Awadh most of the cultivation carried through 'Intermediary' which includes, under-proprietor, permanent lessee and *thekadar*. The land held by different tenant classes in United Provinces has been shown in the given table.⁴⁷

43. Raj Kumar Sarvadhikari, *The Taluqdar Settlement in Oudh* (New Delhi 1985), p.13.

44. *Economic Change in the Rural India*, p.76.

45. *Revenue Administration of the United Provinces*, p.103.

46. *Uttar Pradesh Land Laws*, p.43.

47. *United Provinces Zamindari Abolition Committee Report*, Vol. II, p.91 (Allahabad 1948), Vidhan Sabha Library.

Percentage of total holdings under each Head

Province & Year	Seer, Khudkasht Mortgages and Thekadars cultivation	Under proprie- tary ex-proprie- tary occupancy & other tenants with a heritable rights	Statutory & heir of Sta- tutory tenants (hereditary tenants from 1943-44 on- wards)	Other non- occupancy grove- holders rent-free etc.	Total
	Acres	Acres	Acres	Acres	Acres
AGRA					
1899-1900	22.2	35.9	-	41.9	100
1926-27	20.2	54.8	21.0	4.0	100
1935-36	21.1	49.0	23.7	6.2	100
1943-44	22.0	47.0	28.3	2.7	100
1944-45	21.9	46.6	28.8	2.7	100
1945-46	21.9	46.3	29.1	2.7	100
AWADH					
1899-1900	12.2	5.6	-	82.2	100
1926-27	11.6	6.5	71.4	10.5	100
1935-36	11.4	6.8	69.9	11.9	100
1943-44	11.3	6.9	77.0	5.0	100
1944-45	11.2	6.8	76.8	5.2	100
1945-46	11.2	6.8	76.9	5.1	100
WHOLE U. P.					
1899-1900	19.7	28.2	-	52.1	100
1926-27	18.0	42.4	33.9	5.7	100
1935-36	18.7	38.6	35.7	7.0	100
1943-44	19.0	37.0	40.0	4.0	100
1944-45	19.2	36.5	41.0	3.3	100
1945-46	19.1	36.3	41.3	3.3	100

N.B. This statement has been adopted from the pamphlet entitled "Information supplied to the Tenancy and Land Revenue Committee" United Provinces 1937-38. [United Provinces Zamindari Abolition Committee Report Volume II page 91 (V.S. Library Lucknow)].

(d) General Position of the Land Revenue

In the Ancient period the Rajas and Emperors raised their State income by levying a charge on the Land. Baden-Powell writes "as a matter of fact it came to be universal acknowledged principle, that the King, Raja or chief of a territory had a right to a share in the product of all cultivated land. In time, as might be expected, this revenue came to be no longer taken in kind, but in the form of a money payment made at certain seasons when the harvest had been realized".⁴⁸

During the Sultanate period, Ala-ud-ddin Khilji (1294-1315) A.D. imposed a 1/2 as Land Revenue on the total produce.⁴⁹ But the pattern considerably changed under Akbar who is credited to have introduced a scientific method of assessment of land and realisation of land Revenue. During his reign one third of the actual produce was levied as land revenue that could be paid in both in cash or in kind.⁵⁰ With the fall of the Mughal Empire, the agrarian structure

48. B.H. Baden-Powell, *The Land Systems of British India*, Vol.I, London, 1892, p.241. The early king's share was not fixed it shall be a sixth, a fourth and it was early recognized that the share might be increased at the time of war or calamities.

49. *Ibid.*, p.268.

50. *Economic Change in Rural India*, p.31.

set-up by the Mughals suffered heavily. The destruction of the old system began after the grant of Diwani to the East India Company in 1765 A.D.

After the introduction of the Permanent Settlement in 1793, a new era began in the agrarian history of India. The entire structure set-up by the Mughals was ruined and the Company Government introduced a new system which proved disastrous for the peasants and the Zamindars. However, the latter recovered when settlements made between 1801 and 1822, their position through manipulation and the weakness of the Regulations, concerning the Permanent Settlement are marked by "mis-management overassessment of the revenue, forced sales of land in arrears of revenue; revenue farming to the highest bidder and settlement of the revenue with the wrong persons."⁵¹ This state of things generally adversely affected the interest of the peasantry which continued to groan under burden of heavy taxation. This reaction to the situation is amply seen in the Rebellion of 1857 in Rohelkhand and its adjoining areas.

(e) Relation between the Proprietors of Land and the Tenants

The relationship between the Proprietor of Land and tenants was very complex throughout the period. As the land

51. *Economic Change in the Rural India*, p.56.

revenue demand in Awadh rose between 1860 to 1900. With the beginning of 20th century the revenue demand further increased.⁵² The continuous increase in land revenue demand was a constant drain on the resource of the rural economy. It is immaterial says Majid Hayat "Whether the *taluqdars* or smaller Zamindars, or under proprietors paid the revenue by and large, the fact was that approximately 50% of the gross rental of a predominantly agricultural economy was considered the states legitimate share and thus taken away, left the population handicapped.⁵³ Land lords generally used their power of ejectment mainly to get rid of the so called worthless tenants" a device to compel them to agree to an enhancement of rent or to pay rent for land previously held rent-free.⁵⁴ The impact was growing indebtedness in rural areas which in turn led to the transfer of land from the agricultural class to the non-agricultural class specially the money lender. The new situation was bound to create a landless proletariat with a reduced economic status. Consequently there was a loss of agricultural efficiency as the money lender usually adopted a policy of sub-letting at

52. *Agrarian Unrest in North India*, p.44.

53. *Ibid.*, p.72.

54. *The Taluqdari Settlement in Oudh*, p.74.

a high rate leaving the cultivators with a reduced incentives to raise a good crop.⁵⁵ Interestingly the evictions were mostly directed towards tenants of lower castes, because they would agree to pay a higher rent when threatened with eviction.⁵⁶ The tussle between the Zamindar and cultivators continued for a long period. In the eastern division particularly a large number of such cases have been registered. Government had to issue orders to the District Officers; to tackle with the situations in order to maintain law and order through the legal processes.⁵⁷ To bring normalcy and create a better atmosphere, and a better relation between the landlords and tenants. The Government brought about special tenancy legislature from time to time to safeguard the interest of the Peasantry.⁵⁸ The conditions of the lower segment of the rural society was extremely bad. It lived at a very low level of subsistence. It was the worst sufferer and regularly exploited by the landed gentry.⁵⁹ Ironically the British owing to their own

55. From The File of Central Banking Enquiry Committee Report Year (1931), U.P. Archives, Lucknow.

56. *Agrarian Unrest in the North India*, p.59.

57. File No.18/7/38, Dept. Home-Political (Confidential) NAI (New Delhi).

58. *Uttar Pradesh Land Laws*, p.11.

59. *The Ascendancy of the Congress in Uttar Pradesh*, p.17.

political considerations did not attempt to do something to improve the lot of these people. Their main object was to keep the land-owning class happy as they were the main link between the government, and the rural poor. Consequently in the rural society a triangular sucking group emerged consisting of the landlords, money lenders and the British in the nineteenth century.⁶⁰

60. *Peasant Movement in India* (1920-1950), New Delhi, 1983, p.37.

CHAPTER-II

CONGRESS AND THE TENANCY PROBLEMS 1920-1935

CONGRESS AND THE TENANCY PROBLEMS (1920-35)

(a) Initial efforts to remove tenants grievances:

From the very beginning the Indian National Congress in its manifesto highlighted the real social and economic grievances of the rural masses. The Congress paid special attention to the problems of land revenue assessment and burden of taxation on poor peasantry. In 1888, the congress in its resolution discussed the hardships of the ryots caused by the periodical revision of revenue assessment; and in the Congress resolution of 1892, a plea was made for fixing the government's revenue demands.¹ The recurrence of Famines and wide-spread poverty in the rural areas drew the attention of many nationalist figures, specially, such as Dadabhai Naoroji, R.C. Dutt, C.Sankaran Nair and others on the agrarian issues. They discussed the problems in the presidential addresses and squarely blamed the British land revenue policy and administration for the peasants poverty and indebtedness. At the same time, many other Congress leaders, made repeated pleas from Congress platforms for assessment to be fixed in perpetuity for a compassionate

1. *Peasant Movements in India (1920-50)*, p.40

land-revenue policy and for relief measures.² In 1896-97 when severe famine broke out in Maharashtra that created great unrest among the peasantry, Tilak emerged out as a leader and organised the "no-revenue movement", but he did not get support from other leaders at that time.³ At Amritsar Congress (34th session) December (27-30), a general consensus was developed for the reforms in the revenue system. The resolution stressed, "This Congress is of the opinion that the time has arrived when the revenue policy of the different Provinces should be re-examined and a preliminary towards that end the Congress directs all India Congress Committee to investigate systems of revenue in vogue in different Provinces and the condition of the Peasantry affected by them by such agency as they may think fit."⁴ D.N. Dhanagare pointed out that "politically the U.P. Congress was far from an effective body before 1920, it was dominated by the urban middle classes and the landed elite—mostly upper-caste Brahmins, Kayasthas, Khattris and Banias. Mostly the nominated candidates from Awadh (1893-1900) were talukdars.

2. *Ibid.*, p.47.

3. B.N. Pande, *A Centenary History of National Congress*, New Delhi, 1985, p.424.

4. A.M.Zaidi, *Indian National Congress, The Glorious Tradition*, Vol.1 (1885-20), New Delhi, 1987, p.441.

The Congress was then too weak to protect the peasantry".⁵ From 1901 to 1920 the plight of the poor peasant became more pathetic, the Congress seemed to be largely indifferent to rural problems until the middle of the first-world-war.⁶

Surendra Nath Banerjee seems to have taken some initiative for reforms in land tenure. In his presidential address at Poona, on 27 December 1895 he remarked that "it is absolutely necessary that there should be great fixity in the tenure on which land is held in the temporarily settled districts than exists at present and that Government should impose on its own action restriction against enhancement of assessment".⁷ Later in 1915 a resolution was put forward at Bombay session on 27 December concerning land settlement, resolving that this "Congress is of opinion that a reasonable and definite limit should be put to the demand of the state on land and that the permanent settlement should be introduced in all areas Ryotwari or Zamindari where that settlement is not in force, creating fixity of tenure for occupants where-ever possible and that if the government does

5. *The Peasant Movement in India*, (1920-50), p.116.

6. *Ibid.*, p.117.

7. *INC (The Glorious Traditions)*, Volume I (1885-1920), p.121.

not see its way to the introduction of such settlement a settlement for a period of not less than 60 years should be introduced".⁸

The Indian National Congress took bold initiatives on Land Acquisition Act at Nagpur session (26 December 1920) resolving that this "Congress invites the attention of the public to the policy pursued by the Government in the different Provinces of India of forcibly acquiring lands on a large-scale in the interest of capitalists and especially foreign capitalists by the reckless and unjustifiable use of the Land Acquisition Act, thus destroying the hearths and homes and the settled occupations of the poor classes and land holders and is of opinion that it affords further grounds for non-cooperation against the government."⁹

With the continuous efforts of the Congress manifesto's Committee instigated the British to bring certain changes in the agrarian reforms. The Agra Tenancy Act 1901 was passed for better relationship between landlords and tenants of agricultural land in the Province. As in the past, Rent Recovery Act 1859, laid down that a cultivator must hold the

8. *Ibid.*, p.377.

9. *Ibid.*, p.460.

same-land continuously for 12 years in order to acquire occupancy right in it. It was a very common practice to evict a tenant before the expiry of 12 years terms and then to re-instate him with a fresh start or to shift him from one plot to another. The Agra Tenancy Act 1901 thus provided "..... If within a year from the date of surrender or ejectment he has been readmitted by his landlord to the tenancy of the land to which he surrendered or from which he has been ejected" a tenant shall be deemed to have held it continuously.¹⁰ But the Act left the door open for arbitrary ejectment, rackrenting and wasteful litigation. The continued discontent among the peasants found expression where they were organised under the Kisan- Sabha which gave the slogan "no-nazrana, no-ejectment".¹¹ During the first two decades of the current century eviction in U.P. increased by over 100% causing tensions between landlords and tenants.¹² To evict the tenants the landlords simply demanded payment of

10. Digested from section 13(b) and (c) of Agra Tenancy Act, 1901.

11. *Uttar Pradesh Land Laws*, p.14.

12. *Land Revenue Policy in the United Provinces*, p.142. 100% has been derived from the data. The average number of ejectment before the Act of 1901 passed was - 57,000, while the ejectment in the year 1922-23 averaged 1,27,000.

the arrears of rent, but owing to large scale indebtedness most tenants, at some point, in their statutory period, asked their landlords for a remission of rent which would then be made in the form of a loan. When landlord wanted to evict a tenant he would ask him to return his money back, and if the tenant could not be able to pay, it led to his filing a suit under section 61 of the Rent Act for arrears of rent. Through this method, the landlords forced eviction of the tenants according to his own sweet will.¹³

(b) Tenants Organisation and Political Consciousness of Tenants

Aggressive political agitation is note-worthy after the Reforms of 1919, when Congress demanded relief towards the peasantry as relationship between the landlord and tenants were not cordinal. The peasantry was in a persistent demand on the part of their association for a greater security of tenure and fair rents. The system of taking *nazrana*, illegal ejectment, concealment of rentals and many other abuses concerning the peasant problem came to light frequently.¹⁴ The open-persecution on the peasantry was of the exploitative nature. The problem was more serious in Awadh

13. *Agrarian Unrest in Northern India, The United Provinces (1918-22)*, New Delhi, p.83.

14. *Land Revenue Policy in the United Provinces*, p.211.

than in Agra because the practice of taking *nazrana* was the most common feature there.¹⁵ In 1920, the problem was quite acute providing a good ground for a successful anti-rent movement. Baba Ram Chandra took full advantage of the movement. The oppressed peasantry got a leader to salvage their problem. Baba Ram Chandra thus organised the peasants through the popular religious media - the Ramayana and Geeta.¹⁶

Soon Baba Ram Chandra was able to attract the attention of the Nationalist leaders. Though he could not succeed to get in touch with Gandhiji he did succeed in bringing Pandit Jawaharlal Nehru to strengthen his Kisan Sabha Movement by showing him the plight of the peasantry in Awadh.¹⁷ Gradually the influence of Kisan Sabha under the leadership of Baba Ram Chandra and supported by the Congress leaders like Pandit Jawaharlal Nehru spread to the areas beyond the territory of Awadh, such as Kanpur, Etah, Mainpur, Banaras,

15. File No.753, Dept. Revenue, Year 1920 (report of the Inquiry Committee submitted to the Government) U.P. Archives, Lucknow, p.2.

16. File 753 Dept. Revenue, See for detail Commissioner of Fyzabad Division (H.R.C. Hailey) Report 1920. U.P. State Archives Lucknow, p.1-2.

17. *Ibid.*

Ballia etc. In Kanpur Ganesh Shanker Vidyarthi¹⁸ and Shakir Ali in Gorakhpur strengthened the movement with their active support. Soon the prominent Kisan activists were Narain Pandey, Tika Ram and Indra Narain Dwivedi.¹⁹ Consequently the Kisan Sabha in Awadh emerged a dominant force. It became one of the auxiliaries of the Indian National Congress and their methods and objectives were almost in accordance with the policy of the Congress.²⁰ The Kisan-Sabha as an organised body thus came into being in 1917 at Allahabad under the supervision of Pandit Madan-Mohan-Malviya who is said to have favoured the rules and regulations of the organization.²¹ In January 1918 Malaviya declared that the Kisan Sabha "had been established as a

18. The son of Jai narain, was born in a Srivastava Kayastha family at Fatehpur (UP) 1890, Active-member of Indian National Congress and Home-Rule League Movements. In 1913 he started a Hindi paper the *Pratap* from Kanpur, supported the peasant in U.P. against the cruelties of *zamindars*. He was killed by a rioter in 1931. See for Career, *Dictionary of National Biography*, Vol.IV ed. S.P. Sen, Calcutta, 1974, p.423.

19. File No.49 Dept (Home) Poll Year 1920 N.A.I., New Delhi.

20. W.F. Crawley, 'Kisan Sabhas and Agrarian Revolt in the United Provinces', 1920 to 1921, *Modern Asian Studies*, (Journal), Cambridge University Press 1971, Vol.V.

21. File No.75, Dept (Home Political) Poll Year 1920, p.3-5 NAI New Delhi.

provincial association with his concurrence".²² He also declared the aims and objectives of the Kisan Sabha "..... the amelioration of the physical material, social and political condition of the peasantry".²³ He appealed for adding generously to the movement, and also asked for contribution, for starting a weekly journal for Kisans.²⁴

The agrarian agitation began from Pratapgarh in the autumn of 1920 alongwith the Kisan Sabha movement. Soon the movement spread into the adjoining districts of Rae-Bareilly and Fyzabad. The object of the Sabha movement was to fight against the abuse of powers by the Taluqdars which developed into a general demand for protection against the arbitrary ejection.²⁵

Gradually the Kisan Sabha movement gained momentum in the Bara Banki district. Interestingly, here movement became popular among a selection of Muslim zamindars and taluqdars. On 20 December 1920 a meeting was held at Rudauli, presided by Chaudhury Altafur Rahman and a panchayat consisting of Moham-

22. Sive-Kumar, *Peasantry and the National Movement*, (1919-1933) First Edition (1979-80) Meerut, p.53.

23. *Ibid.*

24. *Ibid*, (Title of the Journal was also to be "Kisan").

25. *Land Revenue Policy in the U.P.*, p.212.

mad Ali Taluqdar, Maulvi Easid-uddin, Moti Lal Seth, Harkrishan Lal and Brahma Nand. Baba Ram Chandra was also present in the meeting and he explained the objectives of the Kisan Movement.²⁶ He asked the peasants not to tolerate Ziladars, patwaris, or the police's oppression. He also advised them to establish arbitration courts, use hand-made cloth and be Swadeshi in everything.²⁷ The movement however lacked proper guidance, direction and plunged into the political activities. Almost at the same time, Eka (Unity) movement began in Hardoi district (1921). It may be called an incarnation of the Kisan Sabha. The significance of the movement has been discussed by Majid A. Siddiqui. It had following objectives.²⁸

- i) Not to pay more than the recorded rent.
- ii) To insist on receipts of the rents paid.
- iii) Not to pay *nazrana* or to do *begar* (forced labour).

The Kisan Movement was not only aimed at to fight against the exploitation of the Landlords and the *taluqadars*,

26. Mohd Ali was an enlightened Muslim Taluqdar of Radauli in District Barabanki, reference based from Sive Kumar Peasantry and the National Movement (1919-1953), p.76.

27. *Peasantry and the National Movement*, p.76.

28. *Agrarian-Unrest in the Northern India*, p.197.

it had also a moral dimension as may be seen from the pledges which their leader Gauri Shankar Misra was making them to take:

1. "We Kisans shall speak the truth - not the untruth - and tell our story of woes correctly.
2. "We shall not brook beating or abuses from any one, we shall not lay our hands on any one but if a Ziladar or peon raise theirs on us we five or ten of us will stay his hand. If any one abused us we shall jointly ask him to restrain himself. If he would not listen we would take him to our Thakur (Zamindar).
3. We shall pay our rent at the proper time - and insist upon a receipt. We shall jointly go to the house of the Thakur and pay the rent there.
4. We shall not pay illegal cesses like 'gordwan', 'motorwan', 'hathiawan'. We shall not work as labourers without payment. If any peon catches hold of a Kisan (for forced labour) the rest of the villagers will not take their meals without setting him free. We shall sell upli (cow dung cakes), patai (sugarcane leaves for thatching) and bhusa at slightly cheaper than the bazar rates but we shall not supply these articles without payment.
5. We shall not quarrel and if we do we shall settle it by a panchayat. Every village or two or three villages combines will form a panchayat and dispose off matters there.
6. If any Kisan is in trouble we shall help him. We shall consider other Kisans joys and sorrow our own.
7. We shall not be afraid of constables. If they oppress we shall stop him we shall submit to no one's oppression.
8. We shall trust in God and with patience and zeal we shall try to put an end (remedy) to our grievance".²⁹

29. File No.753, Dept. Revenue, Year 1920 Kisan Pamphlet p.110, U.P. State Archives Lucknow.

(c) General Peasant grievances through Kisan Sabha

As discussed earlier, the Kisans; being under great suppression wanted only that their grievances be solved. The demands were raised by their leader Pandit Gauri Shankar Misra, on 30th of June and reconsidered on 15 August 1920, at the joint meeting of taluqadars, Government officers and non-officials. The demands were as follows.³⁰

- (a) "Begar (Impressed labour). This should be adequately looked after. Labour should be paid at the rate of one 'Kachhi Panseri' every day. This should be notified to the tenantry.
- (b) Ziladars and Sepahis should be pressed not to impress labour improperly i.e. when any tenant is doing his own private work on any day, this should be forced to do the zamindar's work that day, and due attention be paid to his private needs also.
- (c) Ziladars and peons should have no power to fine the tenantry without the permission of the *taluqdar*.
- (d) If upli (cow-dung cakes), straw, bhusa, etc. are required in quantities more than customary, they can be taken at rates slightly better than the bazar rates.
- (e) No subscription be levied from the tenants for purchasing elephants and horses.
- (f) No ziladar or sepahi should cut down the tenant's trees without the written permission of the zamindar.
- (g) The Karinda should give a formal receipt at once on delivery of rent.

 30. File No.753, Dept. Revenue Year 1920, Kisan Pamphlet Exhibit (U) 105 (U.P. Archives) Lucknow.

- (h) The tenants should have perfect liberty to attend Kisan-Sabha meetings.
- (i) The ryots should have perfect liberty to approach its *taluqdars*, District Officer, Provincial Government or Viceroy through their Sabhas in order to get any law amended which they think in causing them harm inconvenience or distress.
- (j) The taluqdars should join the ryots on occasion of distress and enjoyment in the same way as they have been doing up to this time.

The peasantry was adamant on their demands for which they stood pledged. They wanted that the Government should be considerate in their problem. But the British Government was not sympathetic to their grievances. The crisis slowly culminated into the agrarian disturbances. To streamline the administration some-measures were very imperative to look after them. In due course, Governor's message was delivered assuring the peasants that the allegation made by them against their landholders would be looked into.³¹ According to the assurances so made, a commission of Enquiry was set up which gone through the different grievances of the Peasantry. It came to the conclusion that ejectment and the practice of '*nazrana*' were of extreme nature. These two problems were creating great obstacles in the economic and living

31. File No.753 Dept. Revenue Year 1920 summary and Recommendation about the peasant grievances, p.1. (U.P. Archives) Lucknow.

conditions of the Peasantry. The process of ejectment was widely common which was creating economic destitution. Moreover practice concerning taking 'Nazrana' had become very prominent which created open-exploitation. The so-called legitimate "use of the system of arbitrary ejectment is for increasing the area of the so called 'Seer'. The ejectment brought about special degradation that can be supported with the following example.³²

(i) "Some Kewat tenants described to me bitterly how the law of ejectment prevalent in the district and wielded in a heartless way as it is by the landholder has reduced the status of all tenants from that of qadimi Khudkasht tenants to year-to-year tenants without any status. They find it difficult to find girls in marriage because the girl's father maintains that their daughter might have to starve because they are ejected for no fault of their own in time.

(ii) One Bechri Misir sold his daughter of 12 years to a husband of 60 years for Rs.300.

(iii) One Ishri Dubey sold one-daughter 5 years old to a

32. File No.753, Dept. Revenue, Year 1920 Ejectment
Special degradation cases, p.10 (U.P. Archives)
Lucknow.

husband 40 years old and another daughter 12 year old to a husband 30 years old for Rs.300. The widow of Mahadeo sold her daughter for Rs.200. They are forced to have recourse to sale as a last effort to preserve the family holding from slipping away.

(iv) Babu Brahman complains that formerly they used to get their sons married in Jaunpur, now they refused their daughter in marriage because they say that to-day they might be in affluence, but tomorrow by 'ejectment' they might be reduced to poverty. Many people have to remain bachelors.

The evil aspect of the whole transaction was intensified by the fact that there was an enormous disparity in years between the ages of the wife and husband. Mahipal Singh of Balipur Budhwa came and bitterly complained that the whole village was being cultivated by the outside tenants and that they had all to cultivate land as sub-tenants owing to which they had lost their earlier social status. On the other hand, the position of the new tenants remained extremely weak. he had a very narrow margin of profit.³³ Above all, every year he had to pay Rs.4 or Rs.5 as *nazrana* for his survival as a tenant and to avoid ejectment. In one

33. File No.753 Dept. Revenue, Year 1920, p.25 Nazrana U.P. Archives, Lucknow.

particular case Ram Autar had to pay Rs.20/- to save his tenancy rights.³⁴

There was thus a general practice that the *zamindars* exacted money year after year from the tenants who being under the constant threat of ejectment fulfilled their arbitrary demand. In the case of Ram Autar it has been seen that the *zamindar* obtained '*nazrana*' on one hand from two parties.³⁵ Such cases are numerous when '*nazrana*' from year to year was charged, as supported by one of the example.³⁶

"A superior Government official of non-gazetted rank deposed before me that he has to pay Rs.24 a year every year over and above the rent of Rs.140 and that this is no *beshi* began but one of two methods of exacting *nazrana*. Some pay a lump-sum at the end of seven years. Others pay a definite sum every year toward off ejectment. If the money is not paid ejectment would forthwith

34. Ram Autar's case presents an interesting story of arbitrary enhancement of rent. He obtained 11-Bighas of land on a rental Rs.44/-. After ejectment in 1326 Fasli, he re-obtained the land paying Rs.100 in cash as '*nazrana*' with the promise to pay Rs.100/0 more. He was allowed verbally to carry on his work. Ram Autar, however found that out of his holding of 11-bighas, 6-bighas had been given to another tenant Ram Autar this led to litigation between the two tenants. See for detail File 753, Dept. Revenue, U.P.S.A., Lucknow, p.26.

35. See reference Ram Autar case p.26.

36. File No.753, Dept. Revenue, Year 1920, U.P. Archives, Lucknow, p.27-30.

follow. On his father's death Rs.300 had to be paid as royalty for continuance of tenancy".

Besides, additional imposts, indeed illegal, were being levelled on peasants, uncertain estates, when its proprietor got the title of Raja. The peasants who were invited to the ceremony gave the offering as 'nazar'. Evidence of imposition of levies indirectly through the issuance of lottery tickets were not uncommon. Other known methods of levies upon the tenants like purchase of motor (motorwan) or maintenance of elephants (hathiawan) were also a common feature. Even money squeezed from the peasantry in the name of war on recruitment subscription was termed as 'nazrana'.³⁷

Peasants anger against the big land-holders found expression during the progress of the Non-cooperation Movement, 5th January 1921, the first sign of disturbance was noticed in Rae-Bareilly. Large bands of Kisan moved from one *talluqadars* estate to another destroying property. Thakur Tribhuwan Bhadur Singh a Taluqadar of Chandanian was besieged in his house by a crowd of about three-thousand and

37. File No.753, Dept. Revenue Year 1920, Report of the summary & recommendation about the peasant grievances p.19 (U.P. Archives), Lucknow.

had to be rescued by the police.³⁸ About 30 villages in the district of Ayazabad were seriously affected by rioters. The disturbances soon enveloped even distant districts such as Meerut, Aligarh and others.³⁹ The situation in some cases brought under control by resorting to firing by the police. In Tanda Tehsil (Faizabad) the evicted tenants looted 15 villages; they moved in batches in a strong hand of 500 and attacked both petty zamindars and substantial tenants.⁴⁰ "To improve relations between landlords and tenants" and to give the latter greater security of tenure at a fair rental, two acts were passed, one for Agra and the other for Awadh.⁴¹ The Agra Tenancy Act of 1926, converted the majority of tenants having non-occupancy rights, as statutory tenants amending the provisions of the earlier enactment of 1901. Exemption, however, were to tenants of 'Seer', grove land, pasture land etc. Other changes introduced under the Tenancy Act of 1901 the division of holdings between the tenants was possible without the consent of zamindars, Taking of premium (nazrana) was made illegal, acquisition of new 'Seer' by

38. *Modern Asian Studies*, Vol.I, 5, 471, p.99.

39. *Land Revenue Policy in the United Provinces*, p.212.

40. *Peasant Movement in India (1920-50)*, p.118.

41. *Uttar Pradesh Land Laws*, p.14.

zamindars, and certain other agrarian changes were made possible. Awadh Rent (Amendment, Act of 1921, was passed with a view to improve the relations between the land- lords and the tenants - specially - to provide greater security to the latter.⁴²

Thus the Acts for a time-being removed the glaring disparity with the landed class. The new Acts as introduced in Agra and gave some relief to the peasantry. However these enactments had no permanent impact.

42. *Ibid.*, p.15. The important legislation mainly concern as follows:

1. The non-occupancy tenant holding under a long lease was given the status of statutory tenant, in spite of any condition to the contrary in his lease. He was entitled to hold the land for his life and even 5 years after his death i.e. his heir was also entitled to hold the land for a period of 5 years.
2. The (nazrana) the taking of premium on admission of tenancy was made illegal and the offending landlord was made liable to pay compensation to the tenant.
3. More restrictions were placed on subletting'.
4. Facilities were provided for increase in 'Seer' area. All khudkasht land was made 'Seer' land. In addition the landlord was given a right to acquire more 'Seer' in future by 10 years continuous cultivation.

Impact of the Great Depression on Tenants

In 1927 Jawaharlal Nehru, after his return from the Soviet Union, began to advocate a more radical approach to the Agrarian problems. The slump in prices that came with the Great-Depression during (1929-34) found congress-men in the U.P. ready and more able to exploit agrarian discontent.⁴³ During (1919-35) two significant peaceful and non-violent mass movement, were launched under the banner of the Indian National Congress led by Gandhiji. The first being the Non- Cooperation Movement between (1920-22) followed by the Civil- Disobedience Movement, (1930-34).⁴⁴ Towards the declining stage of the Civil-Disobedience a denunciation of land policy, and the new doctrine of no-rent campaign, spread like a wild fire. The Congress now became more specific in regard to the no-rent campaign.⁴⁵

The no-rent campaign began in Awadh gained credibility in Rai-Bareilly district owing to Rafi Ahmad Kidwai. He was being fully supported to Motilal Nehru Rafi Ahmad Kidwai succeeded in rousing the tenantry to with-hold rent against the oppressing land lords. The no-rent movement was fully

43. *Peasant Movement in India (1920-50)*, p.120.

44. *A Centenary History of the National Congress (1935-47)*, Vol.II, p.437.

45. *Land Revenue Policy in the United Provinces*, p.214.

supported by Jawaharlal Nehru who addressed a number of meetings in Rai-Bareilly district advising tenants not to pay enhanced rents to their landlords.⁴⁶ In the meanwhile the Congress Committee took up the peasants issue on party basis and resolved at the Karanchi Session held on 1 April 1931, ".....the system of land tenure and revenue and rent shall be reformed and an equitable adjustment made of the burden on agricultural land, immediately giving relief to the smaller peasantry by a substantial reduction of agricultural rent and revenue now paid by them and in case uneconomic holdings, exempting them from rent so long as necessary with such relief so may be just and necessary to holders of small estates affected by such exemption or reduction in rent and to the same end, imposing a graded tax on net-income from land above a resonable minimum".⁴⁷ On November 18, 1931 the Allahabad District Congress Committe endorsed the policy of the Congress Committee by advising the tenants to with-hold the payment of rents.⁴⁸ The impact of congress involvement as a political party on the rent issue to better the lot of the peasantry in the Province, however, received a serious

46. *Peasant Movement in India (1920-50)*, p.121.

47. *Indian National Congress (The Glorious tradition)*, Vol.III, p.193.

48. *Land-Revenue Policy in the United Provinces*, p.215.

set back owing to the Great Depression. The prices of agricultural and other commodities drastically fell causing great distress to the peasantry. During the period (1928-31) the prices showed a violent fluctuation than either rents on revenue, as may be seen from the chart given below.⁴⁹ Taking wheat as a representative of other agricultural products, we may notice that the price fell from 7 seers 5 chataks to the rupee in October 1929 to 9 seers in April 1930 and 15 seers 5chatak in December, 1930.

PRICE-POSITION AT THE RATE OF RE.1/=

MONTH	YEAR	WHEAT		BARLEY		GRAIN		PRICE	
		SEERS	CHATAK	SEER	CHATAK	SEER	CHATAK	SEER	CHATAK
JULY	1928	06	91	10	95	8	82	5	40
DEC.	1928	05	63	06	99	6	47	5	02
JULY	1929	07	25	09	50	7	75	4	75
DEC.	1929	07	25	10	25	7	25	5	25
JULY	1930	11	50	10	73	11	16	6	45
DEC.	1930	15	14	20	04	15	34	10	23
MAY	1931	17	00	25	04	15	34	10	23

The fall in prices drew the Government attention as well as the Congress. The Government of India in the summer of

49. Administration Report of the United Provinces 1929-30 p.19 (U.P. Archives) Lucknow. For more interesting details of price position since 1861, see Dharma Kumar & Meghnad Desai, ed., Cambridge Economic History of India, vol.II (1757-1970), Delhi 1970, p.879.

1931 appointed a Rent and Revenue Committee in order to remove difficulties of the peasantry. To solve the rents imbroglio the Committee recommended that as prices had fallen to the level as they were in 1901, (index) the general rental incidence should also be reduced to correspond with that of 1901.⁵⁰ It seems that the recommendations dragged on till 1931 when the remissions granted by the Government. But these remissions were regarded as in-adequate because in 1931-32, approximately Rs.411.5 lakhs of rents and Rs.113.06 lakhs of revenue were remitted. The Government considered proposals to revise the revenue demand on the basis of prevailing prices, by the re-settlement of the districts.⁵¹ Soon the Bill was brought into the Council and Settlement operations were started in the districts of Meerut, Bijnor, Sitapur, Bahraich and revision operations were also started in the district of Saharanpur, Badaun, Agra etc. In Agra it brought about great financial effect of settlement on the people, in which zamindars benefitted the most. The financial result of the re-settlement on the Government, the proportions and the tenants is set forth below.⁵²

50. *Land Revenue Policy in the United Provinces*, p.220.

51. *Ibid.*, p.223.

52. *Final Report of the Settlement and Record operation in District Agra* ed. R.F. Mudie Allahabad (1930), p.15.

Government gain	.98 lakhs
Revenue assigness	.05 ,,
Muafides gain	.01 ,,
Proprietor gain	2.30 ,,
Tenants' loss	3.38 ,,

The rent receiving zamindars had thus gained considreably by Settlement. The effect of settlement on the cultivating proprietors is indicated by the following figures which show separately the revenue for acres assessed on seer and khudkasht on land leased to tenants which has been shown in the table.⁵³

The Congress in its Report on Agrarian Distress in the united Provinces (1931) complained against the Government for its policy of inadequate remissions and suspensions, while the British Government blamed the Congress for exploiting the un-educated cultivations to over-throw "law and order" in the country.⁵⁴

In 1931-32 (when prices were lowest), the longest increase in Coercive method to realize the land revenue was

53. *Ibid.*, p.18.

54. *Land Revenue Policy in the United Provinces*, p.227.

TABLE - 53

ARIA INCIDENCE OF LAND AND REVENUE IMPOSED ON	FIROZABAD		ITAMPUR		AGRA		FATEHBAD		BAH		KHERRA-GARH		KIRAOULI		WHOLE DISTT.	
	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND	EXPIRING DEMAND	NEW DEMAND
SIR & KHUDKASHT	2.4	2.3	2.3	2.3	2.5	2.7	2.3	2.3	2.3	1.8	2.6	2.1	2.1	2.1	2.3	2.2
LAND LEASEDASHT TO TENANTS	2.4	2.7	2.3	2.7	2.5	2.9	2.3	2.3	1.8	2.1	2.6	2.6	2.1	2.3	2.3	2.6
TOTAL	2.4	2.7	2.3	2.7	2.5	2.8	2.3	2.3	1.8	1.8	2.6	2.5	2.1	2.2	2.3	2.5

* FINAL report on the settlement and Record operation in District AGRA Ed. R.F. MUDIE Allahabad (1930) p.17.

the attachment of moveable property and warrants of arrest, as may be seen from the details appended in the table.⁵⁵

Year	The percentage of revenue collected to effective demand	Total number of coercive processes for the recovery of land revenue
1929-30	-	225,341
1930-31	-	245,855
1931-32	97.3	256,284
1932-33	99.7	243,000
1933-34	99.9	213,000
1934-35	99.9	217,000
1935-36	99.0	209,000

The hardships caused on the peasantry by ejectments was very severe. The Congress Enquiry Committee on Agrarian Distress (1931) in the United Provinces reported numerous cases of "persecution, intimidation and co-ercion of tenants" by the zamindars and Talukdars in many districts.⁵⁶ With all these exploitative policies, the rejuvenation of the Kisan-Sabha or a political association was very imperative to safeguard the interest of peasantry. There was no organisation that can direct and control it. The only organisation that can protect

55. Compiled from the Reports on the Administration of Revenue in the United Provinces (1930-35), p.8. U.P. Archives, Lucknow.

56. Report on the administration of Revenue in the United Provinces (U.P. Archives), Lucknow, p.35.

the interest of the peasantry was the Congress. When congress ministry was formed during (1937-39), the Congress attempted to initiate a comprehensive agricultural and land revenue policy to improve the economic status of the peasantry, and set to work on its own tenancy act with the help of elected legislature in 1937.

CHAPTER-III

ROLE OF CONGRESS MINISTRY TOWARDS THE LAND REFORMS AND TENANCY PROBLEMS

ROLE OF THE CONGRESS - MINISTRY TOWARDS THE LANDS REFORMS AND TENANCY PROBLEMS

(a) Formation of the Congress Ministry and its Tenancy proposals

The Act of 1935 prescribed a federation comprising the provinces and the Indian States as units. It was, however optional for States to join the Federation. Since the Rulers of the states did not give their consent, the Federation could not become effective and only the part relating to Provincial autonomy was put into operation. In the Faizpur Congress March 1937 the All India Congress Committee decided to accept the office in the Provinces and permitted congressmen to form Ministries provided certain assurance were given by or on behalf the British Government.¹ In these declarations it was stated among other things, that "there would be no interference with the day to day administration of provincial affairs by responsible Ministers. The experience of office by Congress Ministers in the provinces has shown that at least in two Provinces, the United Provinces and Bihar there had infact been interference in the

1. Resolution of the Haripur session of the Indian History Congress, 1938, File No.17 Manuscript NML, New Delhi.

day to day administration of Provincial affairs as shown here-after".² The AICC met at Delhi on 17-18th March 1937, to take a final decision on behalf of the working committee. Rejendra Prasad moved the main resolution regarding the acceptance of office by the Congress and it was supported by Vallabhbhai Patel, Rajgopalachari, Bhula-Bhai Desai, Satyamurti and other they spoke in favour of the resolution.³ While Acharya Narendra Deva, Achyat Patwandhan, Jaya Prakash Narayan and Sarat Chandra Bose strongly opposed the move. Jawaharlal Nehru, then the President of the Congress, too was not in favour of acceptance of office. Gandhiji, however, persuaded the Congress Working Committee to adopt a resolution recommending a conditional acceptance of office.⁴ After prolonged discussion for two days the resolution was adopted by 135 to 78 votes.⁵

The election of 1937 indicated that the Indian National Congress Commanded a massive support. The Congress was able to form ministries in seven out of eleven provinces.

2. *Ibid.*

3. *A Centenary History of the Indian National Congress, (1935-47)*, New Delhi, Vol.III, p.146.

4. *Ibid.*

5. *Ibid.*

On 29th July, 1937 Pandit Govind Ballabh Pant took Oath of the Office in United Provinces. The other members who took oath of the office in the United Provinces. The other members who took oath and assigned portfolios were:⁶ Rafi Ahmad Kidwai (Revenue, Agriculture and Jails), Kailas-Nath - Katju (Development and Justice) Smt. Vijay Laskhmi Pandit (local self-government and health) Pyare Lal Sharma (education) Mohammed Ibrahim (Communication & Irrigation).

On 27th February 1937, much before the ministry proposals were mooted into operation, the Working Committee of the Indian National Congress declared its policy in the legislature. " That the Congress members should press for the carrying out of the Congress programme as enunciated in the Election Manifestos and the Congress agrarian resolution. In particular they should work for- substantial reduction in rent and revenue, fixity of Tenure, restoration of lands and property confiscated during Civil-Dis-obedience Movements. relief from the burden of rural debt etc".⁷

When on 2 May 1937, the Assembly session was held, two Committees were set up; one for examining the existing laws

6. Proceedings of the U.P. Legislative Assembly debate Lucknow, Vol.I, 1937, VS Library Lucknow.
7. Marguerite-Dove, *The Conflict over Congress Ministries in British India, (1933-37)*, New Delhi, 1987, p.450.

relating to land revenue and Tenancy and the other to consider **steps** necessary to remove the burden of rural indebtedness.⁸

On 2nd August, 1937 the legislative Assembly announced regarding the appointment of a committee on Tenancy and Land revenue affairs; and a Committee under the chairmanship of Govind Ballabh Pant was constituted. Its other members were : Rafi Ahmad Kidwai, K.N. Katju, others. A.A. Waugh (I.C.S.) Revenue secretary acted as its secretary and A.P. Jain Parliamentary secretary to Hon'ble Minister for Revenue was made Joint Secretary.⁹

The Committee was primarily to examine the laws that governed the Tenancy and Land Revenue, and to advise Government on matters concerning relations between landlords and tenants; land-revenue settlement; recovery of arrears of revenue and the basis on which rent should be assessed, revised or reduced.¹⁰ On 30th October, 1937, Khushi Ram submitted reform proposals in the revenue laws. Broadly they

8. Proceedings of the U.P. Legislative Assembly debate Vol.I, 1937, VS Library, Lucknow.

9. File No. 458(1), Dept. Revenue, Year 1937 dated circular 25 October 1937, U.P. Archives, Lucknow.

10. *Ibid.*

were:¹¹

(i) In the Tenancy Laws, hereditary rights should be granted to all **classes** of statutory tenants and sub-tenants of more than five **years** cultivation in the 'Seer' land, especially in those **cases** where the Zamindar has been working under the Cloak of 'Seer' rights and he has been letting out the land at high **rents** and ejecting the cultivators at will in order to enhance **rent** and get nazrana

(ii) Paying of rent should not be accepted without the receipt.

(iii) The intricate - method of paying rents was also suggested.

Meanwhile unanimous proposals were put forwarded by the Members of the Legislative Assembly to the Government regarding Tenancy and Land Revenue Reforms. Some of the important issues which were taken into account after going through all the preceding legislations concerning land reforms were:¹²

11. *Ibid.*, Mr Khushi Ram M.L.A. submitted his suggestions regarding Tenancy reforms through Letter written on 30.10.37.

12. File No.458, Department Revenue, 1937 U.P. Archives Lucknow. Proposal put forwarded to the Govind Ballabh Pant (Premier and Chairman of the Tenancy and Land Revenue Committee).

(a) To pass new Tenancy Act for Agra and Oudh in place of the out dated Agra Tenancy Act, 1926 and the Oudh Rent Act of 1886. With the changes the Land Revenue Act were also to be amended.

(b) According to the proposals of Govind Ballabh Pant Committee every person in possession of the holding of a deceased statutory tenant, was to be recognized as the legal tenant in Oudh & Agra at when the proposed Tenancy Act would become operative. This position was applicable to other areas. (like alluvial mahal or land granted under the waste land rules or of land in the Kheri districts). Interestingly the proposals covered Seer, Khudkasht and Tenants of Sir Lands - here a tenant was to enjoy the position of a hereditary tenant if the Sir, Khudkasht lands were under his cultivation for five year before the proposal Act.

(c) Further, under proposal reforms all the hereditary tenants were to the enjoy rights of sub-letting as was being enjoyed by the ex-proprietors and occupancy tenants.

(d) The committee further proposed that the Rent shall be based on rent-rates suitable to each class of tenant and fixed, after making the following enquiries:

(i) "Soil condition with classifications".

(ii) "The rents on which tenants were admitted to holdings

between 1896 and 1905".

(iii) "Changes in condition, such as the nature of the crops grown and the amount of the produce, since the period 1896-1905".

(iv) "The prices of agricultural produce in recent years, but not going back further than 1931, as compared with the prices of 1896-1905".

(v) "The costs, to the tenants, of cultivation and livelihood".

(vi) "The amount of the produce, with a view to seek, that no rent of a tenant-in-chief exceeds one fifth of the produce in value".

(vii) "Analysis of the present-rent, distinguishing genuine and stable rents payable without hardship over a series of years by cultivating hereditary tenants with substantial holding".

Under the proposals considerable relief to the tenants were provided in case of war or damage of crops exceed $1/3$ and, when the loss assessed to $2/3$, the Government may remit the rent in whole or in part. As regards the mode of payment of rent the committee strongly recommended that the tenant should have necessary protections against exploitations by the Lord owners. It further stressed "Even-land-holder shall give a printed receipt in the prescribed form for each sum of

rent or sayer received. He shall be bound to receive the amount offered whether it is a part payment or payment in full. Printed forms of counterfoil and receipt shall be made available by Government at reasonable prices". Moreover the committee explicitly said in its report that except the legal cesses, the tenants should not be taxes with other impositions like begar, hari, or so on. Further to protect the tenant from exploitation for 'arrears' and interest money the committee recommended that the interest should not exceed 6 1/2%. For any suit to be filed against the tenants the Committee recommended a limitation of three years.

In regard to the recovery of arrears of rent, the committee recommended: "An arrears of rent not paid directly to the land holder or his agent or by postal money-order, or by deposit in court, may be recovered by suit or by distraint or by ejectment". The Committee made it is clear that the tenant should not be arrested for 'areas of rent in any circumstances"

The principle that land rent levied and collected out of the profits on land and should be graduated according to the extent of that income and the circumstances of the Proprietor. For assessment and collection of land revenue, the committee suggested that in a mahal where the number of

the revenue payees are numerous and the circumstances are poor, the rate of assessment shall not be 25% of the net assets, as nearly as may be.

In general cases the revenue was to be assessed 55% of the net assets. The settlement or Revising Officers, were however, authorized to provide rebates on the land revenue assessment on the mahals to the individual revenue payer on a set manner. For example a revenue payer assessable at 55 per cent in the U.P. of more than Rs. 25,00 was not to be given rebate. Rebates and revenue payers upto Rs. 25,00 or less were entitled to rebates varying from 15% to 50%.

It would be seen from the above recommendations that the Congress Ministry in U.P. was trying to provide relief to the peasantry, which had been groaning under the exploitations of the land-lords and talluqadars. It, however, kept the interest of the land-holders and talluqadars intact. Perhaps the issue of abolition of talluqadari or zamindari was not raised considering it to be too premature.

(b) Congress Manifesto Concerning Peasantry:

As we have seen in chapter second that various kisan organizations had begun to work in the twenties of this century. Jawahar Lal Nehru, Madan Mohan Malaviya organized

the peasants in U.P. Baba Ramchandra and Jawahar Lal Nehru's exertions soon bore fruits from the peasants of Partapgarh. Such regional Kisan movement were also progressing in different parts of the country. Bardoli (Gujarat) earned a significant reputation under Sardar Vallabh Bhai Patel. However, for the first time In 1936 an All India Kisan Sabha was constituted to organize the peasants on all India basis. The first session of the All India Kisan Sabha was held at Faizpur in December 1936 in which peasants grievances were raised.¹³ At the same venue (Faizpur session) the Congress adopted an 'All-India agrarian programme' and decided to intensify steps to achieve following objects:¹⁴

(i) Rent, and revenue re-adjusted should be reduced and for future be readjusted keeping in view the prevailing economic condition of the payee

(ii) Uneconomic holdings should be exempted from rent/tax.

(iii) Agricultural incomes too should be assessed to income tax as per other incomes on a progressive scale subject to a

13. *India Today*, Calcutta, 1970, p.286.

14. File No.G85, 1936 (Manuscript) NML New Delhi. Resolution of the Agrarian Programme, 50th session of INC held at Faizpur on 27 December 1936.

prescribed minimum.

(iv) Fixity of tenure with heritable rights along with the right to build houses and plant trees should be provided for all tenants.

(v) All feudal dues and lives and forced labour should be abolished and demand other than rent should be made illegal

(vi) An effort should be made to introduce co-operative farming.

The Indian National Congress was quite concerned about the growing poverty among the peasantry. In 1935 it sent a circular to the Provincial Congress Committees to make recommendations so that an all India, agrarian programme could be made. The Provincial Congress Committees having failed to respond, the AICC in December 1936, took a decision of its own as it considered that the problem involved the removal of "British Imperialistic Exploitation and a radical change in the antiquated and repressive land tenure system". The AICC haste in taking such a decision was owing to the deepening crisis leading to increased burden on the Indian peasantry.¹⁵ The AICC thus adopted a detailed 13

15. *INC The Glorious Traditions*, Vol.III, 1928-1938, New Delhi, 1988, p.342.

points resolution which laid emphasis on Rent and revenue adjustments with substantial reduction in both; exemption from rent on uneconomic holdings; reduction in canal and other irrigation rates; abolition of all un-authorized and illegal cesses and practices like *begar* and forced levies; introduction of time bound tenures with rights of inheritance; adoption of cooperative farming; removal of Crushing burden of rural debts; provision of common pasture lands to the peasants; recovery of arrears of the rents in the same manner as the civil debts were being realized without ejecting the peasants.

In the election of 1937, the All India Congress - Committee included the above in its manifesto. When the Congress Working Committee met at Wardha 28 Feb - 11 March 1937, efforts were renewed to implement the above mentioned congress programme through the Congress-Ministries which had assured office in seven provinces. The Congress Working Committee also decided to step work for achieving at least the following objects.¹⁶

- (a) A substantial reduction in rent revenue
- (b) Assessment of income tax, on a programmed scale, on

16. *INC The Glorious Traditions*, Vol.III, p.393. Indian National Congress Working Committee, Wardha 28 Feb. to 11 March 1937.

agricultural incomes, subject to a prescribed minimum

(c) Fixity of tenure

(d) Relief from the burden of rural debt and arrears of rent and revenue

(e) Repeal of all repressing laws

(f) Release of political prisoners interneers and detenus.

(g) Restoration of lands and property confiscated or sold by government during civil Disobedience Movements.

(h) Eight hours day for industrial workers, without reduction of pay, living wage

(i) Unemployment relief.

The Congress directed the Congress Members in the assemblies to make effort to mobilise public opinion in their constituencies in favour of Tenancy regulation.

As a result of All India Congress Committee policy on 5th April 1938, revenue laws were changed amending the United Provinces Land Revenue Act 1901.¹⁷ The PCCs of the United Provinces appointed its sub-committee on 11th July 1938 to consider the draft of the Tenancy Bill and to send recommendations to the government in order to provide relief to the peasantry. The pitiable condition of the peasantry

17. *The Pioneer* (Microfilm) dated 5 April 1938 title of the column *Revenue Law Change* NML, New Delhi.

and tenants were no better due to the predominantly existence of agricultural class in U.P.¹⁸

The agrarian conditions of the *taluqdari* region of Uano, Rai-Bareilly, Sitapur, Hardoi, Kheri, Faizabad, Gonda, Behraich, Sultanpur, Pratapgarh and Bara Banki districts were traditional feudalistic and perhaps the worst. The condition of workers and peasant were deplorable, they needed substantial changes in their economy.¹⁹

The United Provinces Congress Committee on 30 June 1938 directed the Congress-men in office to amend the Tenancy Bill immediate relief to the peasantry. It proposed that the rents should be reduce by no less than 40% in the case of occupancy tenants, and 50% in the case of those tenants who did not enjoy occupancy rights as well as of all sub-tenants.²⁰ Among the different consideration taken into the account for demanding substantial reduction in rent were the

18. *A centenary History of the Indian National Congress*, New Delhi, 1985, Vol.II, p.450.

19. British Parliamentary Papers (Microfilm) 6 February 1936, p.96, NML, New Delhi, Statement of Mr M. Kirkpatrick.

20. File No.17 1938 (Manuscript section) NML New Delhi. Resolution for the consideration of the Executive Council of the U.P. Congress Committee held on 8 July 1938. Memorandum submitted by Mr. M.N. Roy to the Congress Committee.

poor economic condition of the peasant in the United Provinces.

Methods of existing mode of agriculture should be improved by providing improvised seeds and fertiliser.

The main concern of the All India Congress Committee was how to increase the purchasing power of the peasantry. The memorandum proposed that "the solution of the problem is to transfer the ownership of land from non-producing rent receiver to the cultivator. It considered that substantial reduction of rent could contribute a little to the solution. The committee calculated that a reduction of 40% to 50% in rent would mean more-than eight crores of rupees saving for the peasantry.²¹

The committee, however, realized that a large reduction of rent would upset the balance of the government-budget, as the main source of income was the land-revenue.²²

According to the directives of the AICC, committee was set-up to enquire the causes of the growing rural

21. *Ibid.*

22. *Ibid.*

indebtedness as the problem was perennial which had assumed a monstrous form during the past few years, on account of the sudden fall in prices from 1930 and onward. In 1929-30, the Banking Enquiry Committee provided the following break-up showing the various categories for the total agricultural debt of U.P.²³

Tenants & Peasant		Zamindars		Total
Proprietors	Mortgage Debts	Others	Debts	
34	70	20		124

These measures were still being debated and no substantial relief could be provided to the peasants. Meanwhile the growing poverty in rural areas made the agrarian crisis more serious that ultimately culminated into the agrarian disturbances. In district Gorakhpur where large agrarian unrest took place the zamindars apprehended that their agitation was heading towards a no rent campaign.²⁴

With such a pitiable position of the peasantry, reforms were imperative at the very grass root level.

23. File No.613 Dept. Revenue, 1937, U.P. Archives, Lucknow, Report of the Debt Expert on Rural indebtedness.

24. 'The Statesman' (New Delhi North India Edition 12 March 1939 Maulana Library (Aligarh)).

Decentrilization was the only solution. As in the past, co-operative Movement was functioning but it was not upto the mark.²⁵ It was necessary that the Congress Ministry should take some initiative for the formation of Panchayats in the rural areas. This was one of the important issues at the Local-self Government sitting. It was proposed that Panchayats should be formed in every village with a population of 1,000 or more.²⁶ It was also proposed that in the villages where the income would be sufficient to meet its expenses this programme should be endorsed.²⁷

(c) Congress - Opinion on Zamindars

Congress did not support the zamindari system. Among the Congress leaders Jawaharlal Nehru was most vocal, regarding the Zamindars and talukdars. While clarifying the position of the Congress and his own he said that the Congress desired the removal of the hardships of the masses

25. Report of the working of the system of government United Provinces of Agra and Oudh Vol.II, p.18, NML, New Delhi.

26. "The Pioneer" (MF) Microfilm, Lucknow, dated 5 July 1938 (NML) New Delhi. Title *Panchayats in rural areas*".

27. *Ibid.*

chiefly the peasantry. The Congress was not against the Zamindars but where there was a conflict between the two interests, the interest of the masses must prevail. He further said that the Zamindari system was injurious to society. This opinion, he explained had nothing to do with the good zamindars or bad Zamindars and talukdars. It was based on purely economic reasons.²⁸

Interestingly Nehru had his own plans to ameliorate the condition of the peasantry. In July 1931, H.W. Emenson the Hons Secretary Govt. of India recorded that during a discussion Nehru candidly said that the Congress would introduce radical changes if came to power. He further wrote that Nehru was even thinking without Congress being in power to formulate a scheme of buying zamindari states and distributing them to the tenants so as to release the latter from further exploitations. To Nehru, however, the priority was to get rid of British Imperialism and after getting independence to introduce agrarian reforms within the frame-work of a democratic constitution.²⁹

Gandhiji while discussing his view point about the zamindars said that his objective was to reach the hearts of

28. A Centenary History of Indian National Congress. Vol. II (1919-35) p. 482.

29. *Ibid.* p. 483.

the zamindars and convert them so that they could hold all their private property in trust of their tenants and use them primarily in their welfare. He wanted that all forms of exploitations which were the basis of relationship between the zamindars and tenants should come to an end. Gandhiji was thus quite moderate in regard to the zamindari system.³⁰

As against Congress the Communist party of India in 1928, suggested a struggle for the removal of all feudal relics and for an agrarian revolution establishing the dictatorship of the proletariat and the peasantry.³¹ Naturally Communist Party of India was pursuing the line of Moscow Communists.

Kisan - Sabha an Organisation - led by the conservative elements from the Congress like Baba Ram Chander and Malaviya had also fell into the Nehru's spell and demanded a complete abolition of zamindari without any compensation.

(d) Zamindars Reaction Against the Tenancy Bill

The Congress Ministry in U.P. introduced, "The United Provinces Tenancy Bill on 27 April 1938 with some restriction

30. *Ibid.* p. 487.

31. United Provinces Zamindari abolition Committee report Vol.I Allahabad (1948) p. 396 VS Library, Lucknow.

on 'seer' land. The bill sought to grant hereditary rights to the occupancy tenants and abolition of illegal exactions such as 'begar' 'hari' and 'nazrana'. The Congress proposals were supported by Chaudhari Khaliq-uz Zaman, through himself a taluqdar conceded that the present economic condition prevailing in the country demanded provision of some relief to the tenants.³² Nawab Chhatari, the leader of the Nationalist Agriculturist Party endorsing Chaudhary Khaliq-uz-Zaman views, however, criticized that the proposals had some defects which are to be examined.³³ However reaction of a large section of the zamindars to the proposal tenancy Bill was hostile.

On 3 July 1978, *Thakur Yashpal Singh* of Jarar, speaking at the Agra Zamindar's conference criticised the Tenancy Bill. He argued that the congress government was not only treating the zamindars unjustly but was trying to crush them. He said that their elementary rights and privileges were not being recognized. He further apprehended that under the new Tenancy law, the zamindars would remain owners of

32. N.N. Midra (ed.), *The Annual Register*, Vol.I, p.210, Calcutta, 1938 (Proceedings of the U.P. Legislative Assembly debate, Lucknow).

33. *Ibid.* p. 210.

their land only in name sakes, while others could acquire all sorts of rights. The zamindar owner become helpless and his only function would be to pay the revenue. Yashpal Singh thus protested against the "virtual extinction of Sir, and new but iniquitous proposals with regard to retrain, ejectment and realization of rent, which will be impossible to recover and the revenue will have to be paid all the same in fully and at the proper time".³⁴

Yashpal Singh further said that the new Act would increase litigation raise the differences between the *zamindars* and the tenants and keep them at logger-heads. He reminded to the Congress, "It is a mistake to believe that the smaller zamindars will benefit and have advantage in respect of the revenue The zamindars position is one of grave anxiety, unjust laws are made against them. Their tenants are misled and set against them and when they protest and raise their voice the Congress leaders threaten them with dire consequences."³⁵

Khan Bahadur Mohd Obaidur Rahman KHan, M.L.A. of Bhikampore, Aligarh said that " the zamindars were no les

34. *Ibid.*, Vol - II, p. 399.

35. *Ibid.*



anxious than others for the welfare of the tenants but all the same it was no sin if they tried to save and protect their legitimate rights. The Bill constitutes a process of slow poisoning and the provisions relating to 'seer' are highly detrimental and indefensible. The present Tenancy Bill is nothing short of tyranny of the majority. The continuance of the arrest of the zamindars for arrears of revenue inspite of repeated protests is an act of high handedness".³⁶

He warned that Tenancy Bill as introduced, was a danger to the very existence of the zamindars. He asserted that the zamindars had right to live and they only wanted to live with self respect. To malign them as blood-suckers of the ryots and the cause of their ruin, was malicious. Citing that there was no zamindar in Bardoli yet the tenant's grievances there were the acutest.³⁷

Sherwani appreciated the philanthropic behaviour of the zamindars who were helping in many ways to the ryots.

The Agra zamindar Conference that passed the resolution which sought the prerogatives of maintaining the rights of private property and protect their legitimate rights; to make

36. *Ibid*, p. 400

37. *Ibid*.



genuine efforts for improving the general, social and economic conditions of the tenants; no interference with the unjust and arbitrary encroachment on the zamindars valuable and ancient rights of 'seer' and creation of no right, for the tenants on the 'seer' disturbing the hereditary rights of zamindars.³⁸

The Conference strongly protested against the statement made by the Hon. Revenue-Minister and others that the 'Zamindars' were mere rent-collectors and not the owners of land, affirming that the zamindars and no body else were the owners and proprietors of their lands.³⁹

On the 10th July 1938, the U.P. zamindars Conference was organised by the Allahabad District zamindars Sabha at Allahabad. Capt Rao Krishnapal Singh, of Awagarh gave the Presidential Address.

Deploring the assumptions by some people that all the ills of society was sowing to the zamindars presence. There was, however, a time when this country reached its zenith in the economic, social, political and even spiritual spheres under the influence and leadership of this very

38. *Ibid.*

39. *Ibid.*, p.402.

class.⁴⁰ He further referred that some of the devoted adherents of independence had diverted their attention from the political reform and Indianization of service and had taken petty issues preaching socialism and other political and economic theories which were as impracticable as they were dangerous to the peaceful progress of the country. He reminded that Socialism had not proved practicable in the materialistic countries of the west.⁴¹

He justified that in India, "If there is any owner after God Almighty, it is the zamindar".⁴² He brought the historical facts to prove that zamindars or Grampatis had always existed in India. Neither the Zamindari was abolished by the Muslim kings nor were it introduced by the gentle British government"⁴³ To prove his point he cited Baden-Powell, as an authority to show that none else but the '*zamindars*' were the owner of the soil.

He conceded that the zamindars did not object in the beneficial provision for the tenant in the new Tenancy Bill,

40. *Ibid.* p. 403.

41. *Ibid.* p. 403

42. *Ibid.* p. 405.

43. *Ibid.* p. 405.

brought by the government. Specially the provision related to the grant of hereditary rights to the tenants.⁴⁴

On 11th July 1938 at the second day of the Conference under the guidance of Capt Rao Krishna Pal Singh, said that "the main object of the conference was to consider the impeding tenacy legislation and while the conference recorded its complete sympathy with an offered cooperation in any proposal of the Government which might lead to the real prosperity of the tenantry, it looked with grave concern and apprehension upon measures, which tended to harm the zamindars without ensuring welfare of the primary cultivation of the soil".⁴⁵ Similarly on 17th October 1938, The Unnao Zamindar's Conference was held at Lucknow It passed a resolution that the zamindars were not prepared to accept the arbitration of the Congress High Command, requesting all those carrying on the negotiations not to accept it.

The Conference was amazed at the attitude of the Parliamentary sub-committee "which instead of trying to discuss the principles underlying the U.P. Tenancy Bill, considered it advisable to ask the zamindars to adjectly

44. *Ibid.* p.406.

45. *Ibid.* p. 407.

surrender to its own arbitration".⁴⁶

The Conference urged the zamindars to prepare themselves forthwith for Civil Dis-obedience in case the Tenancy Bill was passed.⁴⁷

Important problem that the province that to face appears to be the relations between landlords and tenants.⁴⁸ The Governor made the zamindars aware that the Ministry had introduced Tenancy Bill providing a number of important concessions to the tenants. The Governor, subsequently held conversation with , Ahmad Saeed Khan of Chhatari, one of the most important person in Agra, and Raja of Jahangirabad the President of the Oudh Taluqdars. They pleaded that justice should be done to them. They sent a deputation to Delhi to interview the Congress Working Committee seeking clarifications regarding the provisions of the Tenancy Bill. They evidently hoped that the Working Committee might be more

46. *Ibid* p.

47. Home-Poll, File No-18/5/38, D.O. No.F. 5/1-C.X Fort-night report (F.R.U.P.) (N.A.I.) New Delhi Mr. Panna Lal (Chief Secretary to Govt. of U.P.) to Mr. Thorne (Secretary to the Govt. of India).

48. (MF), Microfilm of private papers of Sir Harry Haig Governor (U.P.) (1937-39) reported to Mr. Brabourne in which the made an appeal to the Landlords privately to go along with the Tenancy Bill. Secret D.O. No. U.P. 175 (26 Sept. 1938 Haig paper Roll-1) (NMML) New Delhi.

sympathetic to them than the Ministers .⁴⁹

The Governor thought the Chhatari and Jahangirabad efforts were to stall the Tenancy Bill. He therefore conceding the power of the landlords, of delaying the Tenancy legislation warned that such step was fought with danger. The peasantry could unite against them make their position vulnerable.⁵⁰

In the meantime, report reached Lucknow from the Distt. Headquarters that the zamindars attempted to disperse cultivators illegally to prevent them acquiring rights under the proposal Tenancy Bill. Under the situation the authorities with the help of the cultivators made special arrangement to prevent possible clashes with the zamindars, causing breach of peace.⁵¹

Under the proposal Tenancy Bill, the talluqdars of Awadh were disturbed to know that Agra and Awdh were to be put under a common Tenancy law. They decided to meet on 27th October to reach on conclusion on the question of submitting

49. *Ibid.*

50. *Ibid.*

51. Home-Poll, File No.1817/38, D.O.no.F7/1-C.X.18 July 1938 (F.R.U.P.) Mr. Pannalal wrote to Mr. J.A. Thorne (N.A.I.), New Delhi.

the matter to the arbitration of the Parliamentary sub-committee of the Congress.⁵² They tried their best to stall the proposed Tenancy Bill in the Legislature - The Muslim League supported the landlords.⁵³

The Congress Government was willing to give ears to the objection of the landlords. However, the Congress was out willing a compromise on the main provisions of the Tenancy Bill. The Governor persuaded the U.P. Premier about certain concessions to the landlords, because they intended to fight the Bill.⁵⁴

Later the All India Landlords conference which was the first gathering of its kind in the history of India opened in Kaisarbagh Baradari Lucknow on the 8 April 1939. The Maharajahdhiraja of Darbhanga presided. Among those present were the Nawab of Chhatari, Raja Maheshwar Dayal Seth, Kunwar Gurnarain, the Maharajas of Mymensingh and Dumraon, the Raja of Jahangirabad, Sir K.C.M. Faruqi, Rai Bahadur Kashi Nath, Nawab Sir Muhammad Yusuf, the Raja of Pyagpur, Mr. Beni

52. Haig private-papers, Haziq written to Lintlithgow 8 November 1938, Secret letter (no. U.P. 191) Roll-1 NML New Delhi.

53. *Ibid.*

54. Haig private-papers. Mr. Haig wrote to Mr. Hinthgow 6 December 1938, Secret Letter (No. U.P. 206) (NML New Delhi).

Prasad Tondon, Kurwar Laxmiraj Singh and others.⁵⁵ Nawab Chhatari's made a welcome address in which he said that "If the government really desire the welfare of the tenant and order in the land, the campaign of vilification against the zamindars and exciting tenants against them must stop at once"⁵⁶ He further said that what they saw in Lucknow was due to the generosity of its zamindars".⁵⁷ The Nawab urged that most significant aspect of the services, which the zamindars performed, was the maintenance of law and order in the rural areas. He complained that the attitude of the Govt. towards the 'Seer' rights of the zamindars was unjust.⁵⁸

Nawab Sir Muhammad Yusuf delivered in his speech said that the Congress governments were not taking a generous attitude towards the landlords. He asserted that the zamindars must organize and raise the varies effectively to express their grievances. He further asserted that their voices against the atrocities perpetrated in the name of

55. *The Annual Register*, Vol.I, p.392.

56. *Ibid.* p. 392

57. *Ibid.*

58. *Ibid.*

democracy.⁵⁹

Nawab Sir M. Yusuf classified that the quarrel was not with tenants. Whether they took a lesson from Russia, Germany or Italy it was obvious that the economic condition of the people could only be improved by tenants and zamindars.⁶⁰

More or less similar sentiments were expressed by Maharaja Darbhanga in defence of the rights of the landlords. He asserted that the experiments made in Russia altering the relationship between the landlords and Tenants had caused a number of problems. He thus concluded his speech that "Forcible possession of zamindars' land, loot terrorism and murder are matter of almost every day occurrence. These atrocities are mis-named as "Kisan Satyagraha". He urged to stop up in the interest of the country.⁶¹

(e) Muslim League on Congress Tenancy Policy

When the United Provinces Tenancy Bill was introduced, the *Muslim League* unit of Jhansi criticised it as harmful both to the interest of the zamindars and the tenants.⁶² Its main

59. *Ibid.*, p. 393.

60. *Ibid.*

61. *Ibid.*, p.396.

62. Proceedings of the U.P. legislative Assembly debate (Lucknow) Vol. II VS Library (Lucknow) Year 1938.

objection was not to create hereditary rights in zamindars 'Seer'. The district unit proposed that provisions relating to distraint should be made less stringent, Rent rates should be based on classification of soil and prices of staple-food grains, provision should be made for easy collection of rent so that the zamindars may be able to pay government revenue. On time and with convenience.⁶³ The Government officials in U.P. particularly those concerned with the Revenue-affairs, were aware of the consequences of the proposed Tenenacy Bill. For example one of the tahsildars⁶⁴ observed that it was a partial piece of legislation in favour of tenants and not suited to the zamindars. It would be often a source of litigation to both of them and specially when the zamindar would try to save their rights.⁶⁵

Mohd Ishaq Khan, Secretary of the Independent Party came forward on 10 Nov. 1938 with the suggestion that the proposed bill as amended by the such committee be circulated to the Members of the Legislative Assembly for a general public opinion. The suggestion was sharply contested by

63. File no.232, Year 1938, Department Revenue U.P. Archives, Luckow.

64. A tahsildar of Benaras State.

65. File no.232, year 1938, Department of Revenue, U.P. Archives, Lucknow, p. 16.

Zahirul Husnain Lari - a Muslim League Member of the Assembly, ~~who~~ pointed out that Mohd. Ishaq Khan's amendment was dangerous, and ~~o~~pposed the provisions relating to 'Seer' and ejectment proposals.⁶⁶ Revenue Minister defended the 'Seer' proposals as contained in the amended Bill and said that it would not effect more Landlords.

A debate on the issue between the Premier G.B. Pant, and Nawab Chhatari, Raja of Jahangirabad, on 16th November 1938 was held during the discussion Pant refuted the allegations levelled against him regarding the measures undertaken by him for Tenancy reforms. He explained that his main purpose was to provide relief to the tenants, living in the rural areas. Nawab Chhatari taking a humanitarian view of the problem urged that the Bill should not be made a political issue as it would affect lakhs of tenants and zamindars.⁶⁷

At that juncture Muslim League pleaded for the application of Muslim Personal Law to the Tenancy Bill.⁶⁸ Dr. Katju the Minister of justice did not agree and urged that

66. Proceeding of the U.P. Legislative Assembly State. Volume II (V.S. Library) Lucknow.

67. Proceedings of the U.P. Legislative Assembly debate Lucknow, Vol. II V.S. literary lucknow.

68. *Ibid.*

even *Mustafa Kamal Pash of Turkey*, of whom Muslims were so much proud of, did not implement such Personal Law.⁶⁹

On 5th January 1939, the issue of Shariat Law again cropped up. Rafi Ahmad Kidwai the Revenue Minister said that the Muslims outside the Assembly Chamber did not want Muslim personal law to be applied to tenancy. To strengthen his argument he quoted from the reports of the Committees appointed on the subject in 1901 and 1926 and pointed out that the said committees had majority of Muslim members who opposed the implementation of the Shariat Law in Tenancy.⁷⁰

The Muslim League members however, fought successfully on the issue of landless labourer quoting chapters and verses from the Congress agrarian committee reports in which it had been calculated that there were nearly 40 lakhs of landless labourers for whom some relief should be provided.⁷¹ Ultimately, on 21 December 1938 Rafi Ahmad announced a scheme to provide land for landless labourers in the U.P. villages.⁷² Detail scheme please see at the appendix.

69. *Ibid.*

70. *The Annual Register* Vol-I (Calcutta, 1939) p. 213.

71. Proceedings of the U.P. Legislative Assembly debate (Lucknow) Vol-II, 14 December 1938, V.S. Library, Lucknow.

72. Detail scheme for the Landless-Labourers see the appendix.

CHAPTER-IV

CONGRESS MINISTRY AND THE TENANCY LEGISLATION OF 1939

CONGRESS - MINISTRY AND THE TENANCY LEGISLATION

For about six-months the Select Committee considered the U.P. Tenancy Bill. There were two notes of dissent, one of Chhatari and the other by the Muslim League members of the Committee. Both while expressing their sympathy for the tenants wanted extended 'Seer' rights for the zamindars.¹ On 12 October G.B. Pant delivered a speech at Agra in which he gave warning to the zamindars of U.P.

"There is only one course open to the zamindars and it is that they should accept the Government's tenancy reform measures with good grace. If they did not come to the straight path they will be hastening their own ruin and then of their future generations"²

He also warned the mischievous elements for creating communal dissensions. He declared that the Government was introducing measures to benefit the poor and these would benefit the Muslims also. He further said that the zamindars first resorted the aggressive tactics in the assembly as well as in the Select Committee and then appealed to the Congress High Command for settlements. The Agra zamindars made request for arbitration while the Awadh talluqadars took some

1. M. Chalapathi Rado, *Govind Ballabh Pant* (New Delhi 1981) p.198.
2. *Ibid.*

time to decide on arbitration seeking intervention by the Congress High Command.³ Pant turned down Chhataris' request for arbitration because of differences among the landlords.

On 1 October the assembly took the report of the Select Committee on the U.P. Tenancy Bill for consideration. The prolonged discussions "on minor matters revealed an alliance between League members and the zamindars. When the Assembly started discussing the Bill, there were dilatory tactics by the members of the two to prolong the discussion. The prospect of night sittings had a sobering effect but there were still delays and night sittings had to be held. The second reading was passed at last, and at the stage of the third reading the opposition got disheartened. It was passed by the U.P. Council on 16 September 1939. Tributes were paid to the Revenue Minister, Kidwai on his tactful and diplomatic handling of the Bill in the Council. On 4 October Kidwai then acting as Premier, was applauded when the assembly accepted the Bill as amended by the Council without the change of even a comma.⁴ On 6 December 1939 the Bill became law, when the Governor gave his assent to it. Thus the Bill which was introduced in the Legislative Assembly on 20 April

3. *Ibid.*

4. *Ibid*, p.199

1938, was delayed beyond all expectations because of the opposition by the zamindar members of the legislature. The distinguishing features of the Act are:⁵

1. The U.P. Tenancy Act, 1939 - Before the operation of the U.P. Tenancy Act 1939 the tenancy law of Agra Province was different from the tenancy law of Awadh Province. The Province of Agra was governed by the Agra Tenancy Act, 1926 and the Province of AWADH, by the AWADH Rent (Amendment) Act 1921. This act consolidated and amended the law relating to agricultural tenancies, proprietary cultivation and other matters connected there with in Agra and in AWADH.

2. Classification of tenure - It recognised seven classes of tenants -

1. Permanent tenure holders
2. Fixed rate tenants
3. Tenants holding of special terms in Awadh
4. Ex-proprietary tenants
5. Occupancy tenants
6. Hereditary tenants
7. Non-occupancy tenants

5. *Uttar Pradesh Land Laws*, p.16.

It is to be noted that this Act introduced a new class of tenants viz. hereditary tenants. All the Statutory tenants, and heirs of statutory tenants under the previous enactments were made hereditary tenants. The Act conferred hereditary rights, with few exceptions, on every person who was in possession as a tenant at the commencement of the U.P. Tenancy Act 1939.

3. The stoppage of the conferral of occupancy rights - The power conferred on landlords by the Agra Tenancy Act, 1926. to create occupancy tenants had been abolished. The annual of occupancy right by prescription was not received.

4. Limitation of 'Seer' Land - No 'Seer' rights would accrue in any land in future. Some tenants of 'Seer' land became hereditary tenants and the rest tenants of 'Seer' had been given security for five years.

5. 'Begar' and 'illegal cesses' prohibited - The begar, i.e. forced labour from the tenants was prohibited. The taking of a Premium (nazrana) for the admission of a tenant to a holding was banned.

6. Ejected tenants arrears - before the commencement of this Act when a tenant was ejected from his holding in execution of a decree or order of ejectment for arrears of rent the decretal amount was still realizable from him. The Act

provided consolation to the tenant, who was ejected on ground of arrears of rent that the arrears of rent would be "denied to have been paid". In other words, the Zamindars (or landholder) was not entitled to continue to execute the decree for arrears of rent.

The new act bound the zamindar so that they could not require more than five acres of land for a house, garden or grove.⁶ Under a new provision the tenant got the right of constructing on his holding a residential house or any other building serving an agricultural purpose without the permission of the landlord. He also got an unrestricted right to plant trees on his holdings.⁷ The rent of a hereditary tenant was to be determined periodically by special officer and this rent was to remain unchanged for ten years.⁸ The rent was not to "exceed 1/5 of the value of the produce and the cost of production was to be taken into consideration. As in Agra, the landlord and the tenant were given the right to claim that the rent paid in kind could be computed into cash. There were also provisions to prevent harassment."⁹ The

6. *Land Revenue Policy in The United Provinces*, p. 184.

7. *Govind Ballabh Pant*, p.195 (New Delhi 1981).

8. *Ibid.*

9. *Ibid.*

tenant was no longer liable to arrest or imprisonment for failure to pay his rent. An ejectment for arrears would extend only to an area the rent of which did not exceed one-sixth of the decreed all receipts for rent would be in a printed form sold by the Government and there was to be fine, even imprisonment for habitual neglect to give receipts. The tenure of grove-holders became heritable and limitations on their right to replace fallen or cut trees were removed.¹⁰

The Act (1939) made the following important changes in the rules regarding 'Seer' lands.¹¹

1. "Seer acquired by larger landlords under the Agra Tenancy Act (1926) has ceased to be 'Seer'. This was a very important provision. It has rectified the fundamental defect of the 'Seer' provisions of the Previous Acts under which the landlords acquired a larger area, not for the purpose of self-cultivation but for sub-letting."

2. "Seer of the smaller landlords acquired before or after the Agra Tenancy Act (1926) or the Awadh Rent Act (1921) shall continue to be 'Seer' under this Act. The object of this differentiation is that the smaller landlords need

10. *Ibid.*

11. *Land Revenue Policy in the United Provinces*, p. 177.

'Seer' for purposes of genuine cultivation and not for sub-letting."

3. "Seer of the larger landlords acquired before the Agra Tenancy Act (1926) and the Awadh Rent Act (1921) which is not sub-let, whatever its area, continues to be Seer under the Present Act (1939).

4. "Tenants who were cultivating 'Seer' Lands under the previous Acts, but which has ceased to be Seer under the Act (1939) shall acquire the right of hereditary tenants in such lands." The Tenancy Bill of 1939 sought to raise the peasants to their rightful position from serfdom to mastery without any violent destruction of those who had held them in subjection for centuries past.¹² It was inspired by the idea that in our country whose economic life was based on agriculture and where peasants form 80% of the tax-payers, political progress had no meaning unless it tended toward a rural democracy.¹³ Also to organise the nations economic on a peasant foundation, a vigorous peasantry, owning the land it tilled, was the main object of the Bill to create.¹⁴ The

12. File No.- 449 Department Revenue, 1939 U.P. Archives, Lucknow.

13. *Ibid.*

14. *Ibid.*

U.P. Tenancy Act No. XVII of 1939 applied to the whole of u.P. except the districts of Almora and Garhwal and in the district of Nainital. The Kumaun Tenancy Rules were framed under section 6 of Scheduled Districts Act XIV of 1874 and adopted in 1937. The preamble of these rules showed that they applied to the hilly districts of Garhwal, Almora and Nainital with the exception of pargana Kashipur.¹⁵

The principal difference between the hilly areas and the plains was that there was a great pressure of population on the plains. As against this the demand for holdings in the Kashipur-Tahsil as in the Tarai there was no such demand for land. The difficulty in the hilly tract was always to find tenants to cultivate land, as the population was ever-shifting and tenants migrated from one part to another according to the amenities offered to them. There had been a regular competition for tenants between the hilly tract and the Rampur area owing to migration problem¹⁶.

In the Tarai areas the holdings were very small and almost 90% of them were uneconomic in productivity.¹⁷ The

15. File No-63/44 Year 1939 Department Revenue (U.P. Archives) Lucknow. Title Kumaun Tenancy Rules framed by the committee.

16. File No-232 Year 1938 Department Revenue opinion on the Kumaun area by Deputy Commission Nainital (Mr. Radice). U.P. Archives Lucknow.

main problem then was to bring in cultivators who would permanently settle down in the area.¹⁸ Thus the coming of the first popular ministry in 1937 the provincial government set up the committees in December 24. 1937, under Kailash Nath Katju, Minister for Justice, as Chairman to enquire and report on the Kumaun laws. A second Committee under P.W. Marsh I.C.S. Senior Revenue Board Member to enquire into the management of Government estate in Kumaun Division¹⁹ So that an amicable solution could be sorted out. With the passage of the United Provinces Tenancy Act of 1939, the zamindars put forward various grievances. One of them was deletion of Section 148 of the United Provinces Land Revenue Act 1901, which had the provision of the arrest of the defaulters and detention for 15 days unless the arrears and costs of arrest and detention were sooner paid.²⁰

The Congress after assumption of office, passed the United Provinces Stay of Proceeding (Revenue Courts Act).

17. Based on Report of the Tarai Lands Committee Part I (Allahabad) U.P. Archives, Lucknow.

18. *Ibid.*

19. *Ibid.*

20. File No. 92 B/1941 Department Revenue Grievances of Zamindars due to the passing of the United Provinces Tenancy Act 1939. U.P. Archives Lucknow.

The Act had the provision to ~~stay~~ the proceedings of the Revenue Courts in all suits concerning the recovery of the arrears of rent for Kharif 1344 fasl previous years. It was a fulfilment of Congress promises made in faizpur. But this very reformatory step was greatly resented by the landlords as the provision of the Act came into clash with the personal interests. The zamindars loud protests followed by the threat to launch a Satyagrah against the new Act. The Congress Ministry appears to have used fully and competently the provisions of section 148 of the Act of 1901. It is why during its two years tenures of office (1937-39) it did not face much difficulty in the realization of the land-revenue from the land-holders as may be seen from the comparative revenue statistics given below:²¹

Year	Number of warrants of arrest	Number of cases in which persons were actually detained
1935-36	18,037	2,358
1936-37	19,243	2,788
1937-38	21,014	1,892
1938-39	19,705	2,332

21. *Ibid.*

Here it may be pointed out that there were about 13 lakh Zamindars in U.P. Of such a large community, the average of their detentions for the default in payment of land-revenue during the year 1935-1939 was roughly one in a thousand.²²

Obviously the detained zamindars belonged to the category of petty zamindars with unproductive land-holdings. Sheikh Mohammad Zia, a Zamindar not happy with the passage of the U.P. Tenancy Act during the Congress Ministry in 1939 filed a suit in the Allahabad High Court.²³

In the meantime the Governor, gave his assent to the Bill. The matter was still under the consideration of the Government, when the Congress Ministry resigned from office in 1939.

From the above discussion, it can be discerned that the Congress during the short tenure of its ministry did work to improve the condition of the tenants. The Tenancy Legislation of 1939 was the culmination of its efforts.

22. *Ibid.*

23. File No.92 B/1942 Dept. Revenue. Information Dept. Civil Secretariat, U.P. dated 27.8.41. The *Leader Allahabad* Zamindar's suit against government validity of Tenancy Act Challenged (High court), VS Library, Lucknow.

Though the Tenancy Act became a Law in 1939, it can will be imagined how a suppressed peasantry could have availed it against the might of the land-lords, specially when the Congress was out of power. Naturally despite the passage of this Act, majority of them continued to suffer until India became Independent in 1947 and the zamindar was abolished in 1952.

CONCLUSION

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It would be seen that in the United Provinces different classes depending upon the agriculture existed. The landlords mainly employed lower-caste peasants as a cultivators, who with no solid social backing could be easily liquidated from the land, if they showed any indifference in paying the rent according to the Zamindar wishes. The plight of the peasants was an open secret.

The Indian National Congress as a true organisation of Indian people took note of it. To remove the plight of the peasantry, the Congress, however, began to work within the four walls of constitutional means of agitation. It passed resolutions after resolutions to keep the Tenancy issue alive and to draw the government attention for its redressal.

Political consciousness at last led to the formation of Kisan Sabha by Gauri Shankar Misra, I.N. Dwivedi with the support of Madan Mohan Malaviya. Baba Ram Chandra soon entered the arena. At the initial stage Baba Ram Chandra enlarged the canvass of peasant, grievances by bringing Jawaharlal Nehru to their supports. Thus through Jawaharlal, Congress became largely involved in the peasant problem in Awadh. Madan Mohan Malaviya gave way to the Congress as he still (1920) harped on the old tone of constitutional method

of agitation. Involvement of Congress and formation of the All-India Kisan Sabha made the peasants in Awadh bold and daring. They pledged only to pay the recorded rent and refused the payment of *Nazrana*, illegal cesses and to offer '*begar*'.

Peasants struggle in Awadh soon spread, it took a different form in Hardoi - cases of arson and looting were noted by the authorities and they used force to oust it. However the All India Kisan Sabha did organize the peasantry and it provided a rural base to the Indian National Congress in U.P.

Under the Act of 1935 Elections were held in India in 1937, the Congress emerged victorious in seven out of eleven provinces. In U.P. the Congress formed its own Ministry. Now the Congress had the opportunity to fulfill its promises made to the peasants despite enjoying limited power. Specially issues of public interest and co-operation such as promotion of health, sanitation, education and Tenancy reforms required immediate attention.

The Congress-Ministry in U.P. was headed by Govind Ballabh Pant. The Revenue Ministry was being looked after by Rafi Ahmad Kidwai. Since Congress was committed to the Tenancy reforms. Pant and Rafi Ahmad Kidwai took bold initiatives proposing a new Tenancy Bill in 1938. The Bill

was hotly contested by the Zamindars and Talluqdars, who were not ready to sacrifice any of their rights.

In this opposition the *talluqadars* and *zamindars* formed one block irrespective of their political ideology. The talluqadars who were members of Muslim League too opposed the Tenancy Bill, and dragged religion i.e. shariat issue on the tenancy question. Naturally Congress Revenue Minister Rafi Ahmad Kidwai turned it down saying that the Muslim outside the Assembly were in no mood for the application of Shariat Laws in the affair. Then at that juncture Muslim league tried to create trouble for the Congress, quoted Congress socialist resolutions and raised the potential question of 40 thousand Landless labourers in U.P. for which Congress was silent. The communists supported the Muslim League, by that the Congress was placed in a dilemma and for the time being Tenancy issue and the problem of the Landless Labourers were combined together to make delay in the passage of Tenancy Bill. However, Congress succeeded in getting the Tenancy Bill passed on October 4, 1939 by both the houses. It received assent of the Governor on December 6, 1939 and became the United Provinces Tenancy Act (XVII) of 1939.

The United Provinces Tenancy Act of 1939 repealed the Agra Tenancy Act of 1926 and the Awadh Rent Act of 1921. It now applied on both the Zamindars of Agra and the Talluqadars

of Awadh. The Act removed the long standing anomaly of two tenancy legislations of the province which were historically, culturally and economically one and the same. At the same time it gave more protection and security to tenants and curtailed many of the rights, hitherto enjoyed by the Zamindars and Talluqadars.

Thus the Act of 1939 safeguarded the tenantry to a great extent. It gave the tenants in Awadh and Agra hereditary 'rights' on their holdings. Now the Landlords were prevented to exercise their rights of ejectment of the tenants from 'seer' land. It allowed exceptions in case of the smaller landlords who needed land for their own cultivation.

For the fixation of rents the government now introduced the principle that it should not exceed $1/5$ (one fifth) of the value of the produce and the cost of production was to be taken into consideration. Both landlords and tenants in Awadh were given rights to claim that rents paid in kind should be changed into cash.

It may thus be maintained that the Congress Ministry during its office (1937-39) in U.P. did succeed in fulfilling its promises to provide relief to the peasant in U.P.

Passage of the Tenancy Act was, however, the beginning of an over-due reforms. Undoubtedly the Tenancy Act provided

a relief to them but not removed the evils that continued to exist in the agrarian society in U.P. due to continuance of the *Zamindari/Talluqadari* system. Surely the tenants were largely protected under the Tenancy Act but they could not face the might of the *Talluqadars/Zamindars* who had still various means of exploitation. Moreover, the peasantry was so poor to keep itself alive on its meagre ~~income~~ while the *Zamindars/Talluqadars* having enormous resources at their disposal would drag them to the court of law and put them to a lot of inconvenience. The Tenancy Act largely remained on paper. Peasants could not take full-advantages of it due to poverty. They got the real relief only in 1952, when the *Zamindari/Talluqadari* was abolished by the Congress government.

APPENDIX

APPENDIX

Detail Scheme for the Landless Labourers by Rafi Ahmad Kidwai as the issue was raised by Muslim League:

(1) A resident of a village who is neither a landholder nor tenant of any land may apply to the Assistant Collector in charge of the sub-division that he wishes to cultivate land in his village and on receipt of such application the assistant collector shall after satisfying himself by such enquiry as he thinks fit that the applicant intend to cultivate will proceed as follows:

(A) Allot to him Land which is in the cultivation of the landlord assessed to more than Rs.25 local rate.

(B) If no such land is available allot to him land which in the cultivation of a landlord assessed to Rs.25 or less than Rs.25 as local rate and who cultivates more than 20 acres.

(C) If no such land is available allot to him land which is cultivated by a tenant who cultivates more than 20 acres otherwise than as a sub-tenant or a tenant of 'Seer'.

(D) If no such land is available allot to him waste-land provided that the Assistant Collector shall

not allot to the applicant more than 5 acres of land.

(2) The applicant shall become a hereditary tenant of the land allotted to him under the provisions of this clause and shall be liable to pay such rent as the Assistant Collector may determine.

(3) In a case coming under clause (C) of sub-clause (i) The right of the tenant shall cease in the land allotted and the assistant collector shall determine the rent payable by him for the remainder of his holding.

(4) In a cause under clause (A) or (B) of sub-clause (1) the land allotted is 'Seer' such land shall cease to be 'Seer'.

(5) No person shall apply under this section who might succeed to a tenancy under the provisions of sections from 30 to 33 or on whom a proprietary or under proprietary right in the village might devolve.

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